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BY

Sir CECIL T. CARR, K.C.B., K.C., LL.D.

Let observation, with extensive view,
Survey mankind from China to Peru.
SAMUEL JOHNSON

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TABLE OF CONTENTS

PAGE

PRESIDENT, COUNCIL AND COMMITTEE x

CONTRIBUTORS xii

HONORARY MEMBERS AND SUBSCRIBERS xiii

ANNUAL REPORT xxvi

ACCOUNTS xxviii

INTRODUCTION TO REVIEW OF LEGISLATION xxx
Contributed by Sir Cecil Carr, K.C.B., K.C.

I. BRITISH ISLES—

1. United Kingdom. Sir Cecil Carr, K.C.B., K.C. 1
2. Northern Ireland. W. A. Leitch, Esq. 22
3. Isle of Man. His Honour R. D. Farrant 26
4. Eire. A. Denis Pringle, Esq., K.C. 29

II. NORTH AMERICA—

1. Dominion of Canada. Dr. Maurice Ollivier, K.C. . . . 31
2. Alberta 34
3. British Columbia. J. Pitcairn Hogg, Esq., K.C. 40
4. Manitoba. G. S. Rutherford, Esq., K.C. 43
5. New Brunswick. N. M. Hoyt, Esq. 48
6. Nova Scotia 48
7. Ontario. By K. G. Morden, Esq., K.C. 49
8. Prince Edward Island. W. E. Bentley, Esq., K.C. . . . 50
9. Quebec. The Hon. Mr. Justice Fabre-Surveyer 51
10. Saskatchewan. J. P. Runciman, Esq., K.C. 54
11. Newfoundland. H. G. Puddester, Esq., K.C., LL.B. . . 58
12. Bermuda 59

III. AUSTRALIA—

1. Commonwealth of Australia. J. Q. Ewens, Esq., LL.B. . . 60
2. New South Wales 69
3. Queensland. The Chief Secretary 73
4. South Australia. E. L. Bean, Esq., C.M.G., M.A., LL.B. . . 93
5. Tasmania. R. A. Lewis, Esq. 97
6. Victoria 102
7. Western Australia. R. V. Nevile, Esq. 102

IV. NEW ZEALAND. H. D. C. Adams, Esq., C.M.G., LL.B. . . . 106

PAGE

V. WESTERN PACIFIC—

1. Fiji. W. G. Bryce, Esq. 113
2. Solomon Islands 115
3. Tonga 115
4. New Hebrides. B. Blackwell, Esq. 115

VI. SOUTH AFRICA—

1. Union of South Africa 116
2. Cape Province. A. J. Pienaar, Esq., B.A., LL.B., K.C. . . 116
3. Natal 117
4. Orange Free State. F. W. A. Gray, Esq., B.A., LL.D. . . 118
5. Transvaal. L. Botha, Esq. 119
6. Northern Rhodesia. M. W. Dennison, Esq., M.C. . . . 120
7. Southern Rhodesia. E. W. G. Jarvis, Esq. 121

VII. EASTERN COUNTRIES—

1. India Central Legislature. Sardar Bhagat Singh 123
2. Pakistan. C. M. Shafqat, Esq. 127
3. Assam. S. M. Lahiri, Esq., M.A. 131
4. Bihar 131
5. Bombay. J. R. Dhurandhar, Esq. 134
6. Central Provinces and Berar. Shri T. C. Shrivastava, M.A., LL.B. 138
7. Coorg 139
8. Madras. K. Raghu Ramaiah, Esq. 141
9. Orissa. C. C. Coari, Esq. 144
10. Punjab 145
11. United Provinces. M. Chandra, Esq. 145
12. West Bengal. S. K. D. Gupte, Esq. 146
13. Ceylon. S. Namasivayam, Esq., M.A. 150
14. Malayan Union 151
15. Mauritius. R. Espitalier Noel, Esq. 151
16. Seychelles. E. B. Simmons, Esq. 154
17. North Borneo 154

VIII. WEST AFRICA—

1. Gambia. J. Pelly Murphy, Esq. 155
2. Gold Coast. Kenneth Ewart, Esq. 156
3. Nigeria. Lionel Brett, Esq. 156
4. Sierra Leone 158

PAGE

IX. EAST AFRICA—

1. Kenya 160
2. Nyasaland. E. J. E. Law, Esq. 160
3. British Somaliland. D. C. Jackson, Esq. 161
4. Tanganyika Territory. F. Southworth, Esq. 161
5. Uganda Protectorate 163
6. Zanzibar. A. McKisack, Esq. 164

X. SOUTH ATLANTIC—

1. British Guiana. A. C. Brazao, Esq. 166
2. British Honduras 167
3. Falkland Islands 167
4. St. Helena 168

XI. WEST INDIES—

1. Bahamas. J. S. R. Cole, Esq. 168
2. Barbados. John Whyatt, Esq., K.C. 169
3. Jamaica 170
4. Leeward Islands—
   (i) Antigua 171
   (ii) St. Christopher and Nevis 171
   (iii) Montserrat 172
   (iv) Virgin Islands 172
5. Windward Islands—
   (i) Grenada. Hon. G. Elmore Edwards 172
   (ii) St. Lucia. Hon. Keith Alleyne 172
   (iii) St. Vincent 173
6. Trinidad and Tobago. H. W. Wilson, Esq. 173

XII. MEDITERRANEAN—

1. Gibraltar 175
2. Cyprus. The Hon. Stelios Pavlides, K.C. 175
3. Malta, G.C. The Hon. Mr. Justice E. Ganado, LL.D. . . . 176

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ANNUAL REPORT

DURING the year 1949 the Society experienced the grave loss of its Chairman, Lord du Parcq. Throughout his legal career his familiarity with two systems of law led naturally to a comparative habit of mind. The Committee had looked forward to having his wide knowledge and sound judgment to guide their work for some years. The loss after a short tenure of office was felt the more deeply on that account.

Happily the choice of a successor did not present any difficulty as among the members who had supported the Society for some years was Lord Justice Cohen. The invitation of the Committee to become Chairman was accepted much to their gratification.

The position of the Society outside this country has developed markedly during the past year. The relations which have existed for so many years with the French Société de Législation Comparée were renewed and the Society was particularly glad to have an opportunity to take part in the celebrations of the 80th Anniversary of the founding of that Society by the attendance at the Conference of their representatives, Dr. E. J. Cohn, Dr. E. G. M. Fletcher, M.P., Professor R. H. Graveson, Mr. C. J. Hamson, Professor F. H. Lawson and Professor B. A. Wortley.

The relations of the Society with U.N.E.S.C.O. also progressed a further step. An international committee is being formed to deal particularly with the subject of Comparative Law; it will have national committees as constituent bodies, and on the national committee for the United Kingdom it is expected that the Society will be officially represented. The English members of the International Committee, Professor H. C. Gutteridge, Mr. C. J. Hamson, Professor F. H. Lawson and Professor B. A. Wortley, took an active part in these deliberations which are progressing to a favourable conclusion.

This activity outside this country is being supported by an increasing membership and the Committee would gladly welcome a corresponding increase in the membership in the British Isles. The Council have lost through death during the year the valuable support of Sir Tej Bahadur Sapru, formerly Legal Member of the Council of the Viceroy of India, and Sir Kenneth Kemp, and among the members who took a lively interest in the work of the Society, Sir W. Graham-Harrison. To the Council the Committee have been very glad to welcome the Prime Minister of Canada, Mr. L. J. St. Laurent, Mr. Justice Sandström of Sweden, and Professor Rene David and Monsieur Marc Ancel as representatives of the French Society. To the Committee they have added Mr. C. J. Hamson and Professor B. A. Wortley.

An important new departure has been the appointment of a Treasurer since the development of the Society's finances seems to justify that portion of the work becoming a definite responsibility. They have been glad to secure the assistance of Mr. John Cohen in that capacity.

The Committee are grateful to the Inner Temple, the Law Society and the Middle Temple for the continuance of their grants. They are also indebted to the Governments of Fiji, Gold Coast, and Trinidad for their assistance. To this section of their income they welcome a subscription under covenant from Imperial Chemical Industries, and hope that other corporations with world wide interests may follow this admirable example.

The accounts for the year show a balance which has been reduced by a small addition to the invested income. The cost of production of the Society's publications continues to be on an ascending scale. There is no prospect that it is likely to diminish, and information is already available that it will increase further in the near future.

Once again the Committee have occasion to express their grateful thanks to the body of contributors under Sir Cecil Carr who maintain the standard of the *Review of Legislation* and its comprehensiveness. The Journal, under its Editor, Professor Lawson, has been able to enlist new friends among the contributors, and to them also the Committee are grateful. The position which the Journal maintains among the legal publications of the English speaking peoples is an assurance of the value placed upon their services.

In the present conditions of the development of the law both at home and abroad there is an increased recognition of the value of the study of the laws of other countries. The Committee realises that this attitude towards comparative legislation and law is a guarantee that the Society's work will continue to receive an increasing measure of support. It is with some confidence, therefore, that they invite their members to make it more widely known as a valuable contribution to the furtherance of improved international relations.

SOCIETY OF COMPARATIVE LEGISLATION

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1949

EXPENDITURE.	£ s. d.	£ s. d.
Publication of Journal:		
Printing Vol. xxxi, Parts 3 and 4	248 2 6	
Vol. xxxii, Parts 1 and 2	375 3 11	
Postal Wrappers	8 2 6	
Paper for Journal	64 1 6	
		695 10 5
Salary of Clerk		260 0 0
Rent of Office		100 0 0
General Expenses		66 10 2
Stationery		21 2 7
Insurance		1 18 6
Telephone		4 4 10
Audit of Accounts		3 3 0
		£1,152 9 6

INCOME.	£ s. d.	£ s. d.
Subscriptions:		
General	538 18 4	
Government	169 0 9	
		707 19 1
Grants:		
Fiji Government	10 0 0	
Gold Coast Government	6 0 0	
Grigs G.F.	1 1 0	
Imperial Chemical Industries	10 0 0	
Refund of Income-tax on I.C.I. Donation	8 3 8	
Inner Temple	21 0 0	
Law Society	10 10 0	
Trinidad Government	5 0 0	
Middle Temple	21 0 0	
		92 14 8
Sales of Journals, Back Numbers, Reprints, etc.	118 15 11	
Less Cost of Reprints	22 0 0	
		96 15 11
Subscriptions in arrear paid during 1949		35 1 5
Subscriptions in advance paid during 1949		86 2 1
Interest on 2½% Defence Bonds		7 2 8
Balance, being excess of Expenditure over Income for the year		126 13 8
		£1,152 9 6

SOCIETY OF COMPARATIVE LEGISLATION

BALANCE SHEET, DECEMBER 31, 1949

LIABILITIES.	£	s.	d.
Capital Fund	997	3	5
Sundry Creditor	3	3	0
	£1,000	6	5

ASSETS.	£	s.	d.	£	s.	d.
Cash at Bank	413	11	9			
Cash-in-hand	1	0				
				413	12	9
Investment:						
£400, 2½% Defence Bonds				400	0	0
Furniture				60	0	0
Income and Expenditure Account:						
Balance as per Annexed Account				126	13	8
				£1,000	6	5

We have examined the above Balance Sheet and Income and Expenditure Account with the Books and Vouchers of the Association, and certify them to be in accordance therewith. We have verified the Balance at Bank and also the Investment of £400, 2½% Defence Bonds.

LONDON, 48 Copthall Avenue, E.C.2.
March 6, 1950.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION

[*Contributed by* Sir Cecil Carr, K.C.B., K.C.]

It is the happy practice of *The Times* to print a daily extract from its columns of a hundred years ago. Early last June it reproduced some vigorous comments made in 1850 on the confusion and uncertainty of the laws of England. Was the unintelligibility inevitable? By way of explanation, if not of answer, the extract emphasised that

> "There is no man or men appointed by Parliament who are conversant with the mere mechanical process of framing laws. This function, which the egotism and vanity of parliamentary leaders would reduce to a subordinate position, is of first rate importance; it requires for its full and adequate performance great knowledge, great mastery of language, accurate and precise conception of the objects desired, and the skill to express those objects in unambiguous phrases. These are not common acquirements."

A writer on the mechanics of law-making had made the same point in 1837. Plenty of people in England, he said, concern themselves with the general principles of legislation; "there are few or none engaged upon the details of its workmanship." Our legislators, "from ignorance and want of skill in the workmanship of details which they leave to the routine performance of mere artisans," were seldom succeeding in making a law intelligible either to themselves or to the folk for whom it was designed. The statutes of a single session contained every sort of anomaly; "this must be the case till the legislature shall appoint persons to draw or revise all laws." Even in 1837 the Government was responsible for introducing nearly two-thirds of the Bills of the session; the Government had "the assistance of legal agents and the means of purchasing the services of competent ones." People who brought in a Bill, said the critic, had a duty to see that it was properly drafted. It is matter of English history that in 1869 Robert Lowe, then Chancellor of the Exchequer, in order to promote competence and uniformity of style in drafting, and perhaps also to save the fees previously paid for piecework, established the office of Parliamentary Counsel to the Treasury and appointed thereto Henry Thring who had already showed his proficiency in drafting Bills for the Home Office. His successors have assuredly not been wanting in skill, character or industry. They make an impressive list; it includes, not to mention those still at work, Henry Jenkyns (who was Thring's pupil), Courtenay Ilbert and Mackenzie Chalmers (two of the chief founders of our Society of Comparative Legislation), Arthur Thring, and the two great public servants whom death has taken in the past few months, Frederick Liddell and William Graham-Harrison. Any lack of competent official experts in law-making has been abundantly made good. Yet echoes of the criticisms of 1837 and 1850 are still reverberating. Judges, legal practitioners and others still grumble that statutes are ill drafted and unintelligible. In part perhaps the grumblers are moved by dislike of the policy of modern legislation and by the statutory interference with the principles of the common law and the rights of contract. In part perhaps there is a natural disinclination to apply the mind to a tough job. The technicalities of "weighted population" and the "relevant fraction" which, under the Local Government Act, 1948, govern the Exchequer grants to local authorities in Great Britain, furnish a formidable example of the toughness; nor does it help the ordinary citizen if he is told that the formula is simple enough when expressed in algebra. Why need he worry? What are Exchequer grants to him? Is it not enough that a few experts at the Treasury and the Ministry of Health and other Government departments and a handful of town clerks and clerks to county councils understand these mysteries? Whatever the subject of a statutory puzzle—even when the framers of the law have sought to use simple

and popular language as, for instance, in the Rent Restriction Acts in England—the layman had better consult his lawyer. The specialists stand ready to advise.

The summaries of the enactments of 1948 which are printed in the following pages will indicate the complications which even the highest standards of draftsmanship cannot simplify. Some of our contributors tell us of the re-statement of the laws of their countries. Dr. Ollivier, for example, reports the creation of a statutory commission to undertake what is probably the three-year task of revising the laws of Canada—a method of delegation which the Parliament of the United Kingdom has never been prepared to adopt. In the Bahamas high legal and judicial experts are appointed not only to revise the statute law but also to compile the subsidiary law. Sierra Leone has brought into force a new edition; British Columbia and Ontario are busy with preparatory consolidation. Cyprus, which has similar work in hand, has managed to rewrite its income-tax law in consolidated form. In Britain this particular task is still uncompleted, although, as long ago as 1927, Mr. Winston Churchill, then Chancellor of the Exchequer, initiated the process. He invited a strong team of specialists to prepare a Bill or Bills "with the special aim of making the law as intelligible to the taxpayer as the nature of the legislation permits," with power to suggest any alterations which would "promote uniformity and simplicity." After infinite toil and the breaking down of many of the adhesions of departmental practice, a Bill was produced in 1937, not without this warning from its authors:—

> "the drafting of any statutory measure is a task whose difficulty only those who have attempted it can appreciate. The intractable ambiguities of our language and our syntax lay traps for the draftsman at every turn. To state the simplest rule in terms which are proof against misinterpretation requires the highest skill. The difficulty becomes immensely greater when it is necessary to legislate in general terms so as to cover every conceivable case which may arise in a region of infinite diversity."

After interjecting an appropriate quotation from Aristotle, the team of experts went on to discourage optimism:

> "To expect from us a codification of the law of income-tax which the layman could easily read and understand was a vain hope which only the uninstructed could cherish."

Be all that as it may, from the intensive departmental scrutiny to which it was presumably remitted the Bill of 1937 seems never to have emerged; meanwhile the annual process of incrustation by Finance Act clauses has gone on making the riddle harder. There is good news now, however, of an active programme of consolidation and even of codification.

Britain has a fresh Statute Law Revision Act which repeals hundreds of obsolete enactments in time to avoid their being reproduced as if still alive in the forthcoming edition of Revised Statutes of the United Kingdom. Cutting out the dead wood may not make it much easier to find a way through the surviving jungle, but it is evidence of a conscious effort to improve the form of the law. Some of the archaisms now eliminated (see p. 1) show how little care has been taken by past generations to fit the law to the present needs of society. The Criminal Justice Act which in 1948 reforms the penal system of Britain has actually to repeal some pre-Victorian Acts about transportation because, though transportation was abolished nearly a century ago, the relevant statutes were kept in being with the rather casual substitution of penal servitude which now is in turn ended. Although, as Bentham said, "the antiquity of a law is no reason," there is ample evidence that the English like their laws old. In his admirable history of *The Laws of Cricket* Col. Rait Kerr, discussing the successive revisions of the cricket code, remarks that "it is never desirable to jettison picturesque phrases of the eighteenth century tradition unless they are misleading in their intent." Beards must have wagged round many a village green when "notches" were formally re-christened "runs" in 1811.

If antiquity has some magic to contribute towards the customary respect which legislation ought to receive, the ever-changing implications of language lead to periodical adjustments of the terms of the law. The label of "criminal lunatic," so confusing in discussions of the criminal responsibility of the insane, is replaced in England by "Broadmoor patient," though "Broadmoor" may itself need replacement when it acquires the derogatory significance of Hanwell and Bedlam. The "poor asylum" becomes the "infirmary" in the Isle of Man. Vagrants in England have to be described as "persons without a settled way of living." At Westminster the Chancellor of the Exchequer calls his capital levy a "special contribution," and "national assistance" sounds more modern and acceptable than "poor relief." It is "workers' compensation," not "workmen's compensation" in Tasmania and Western Australia and probably elsewhere. "Trade boards" have become "wages councils" in Britain.

The year 1948 brings important changes in Commonwealth and international relations. Palestine moves from mandatory control to independence. Eire, after having been successively referred to in the United Kingdom statute-book as Southern Ireland, the Provisional Government and the Irish Free State, decides to call herself the Republic of Ireland. Newfoundland arranges for the referendum which leads to confederation with Canada. In consequence of the conference held in London in 1947, Australia, Britain and New Zealand enact fresh conditions of nationality; those who cherished the old uniformity will regret the new diversity, but at any rate the atmosphere of the London conference was good-tempered. Among domestic matters of constitutional significance at Westminster we may note the ending of the old prerogative right of granting prize-money (p. 7). The ancient privilege of peers to be tried by their fellows if charged with felony disappears; in 1936, after the farce of the de Clifford trial, the House of Lords resolved to terminate this cumbrous and inconvenient procedure, but the House of Commons would not then co-operate; now in 1948 an ancient landmark is quietly removed by a few words added by afterthought to the Criminal Justice Act. In Britain a revision of the franchise, in futherance of the principle "One Man One Vote," abolishes the business vote and the university seats. The loss of the latter had not the support of the Speaker's all-party Conference; the Opposition, resisting the change, declared that on return to power, they would make it good, but the universities are perhaps more likely to recover a special place in parliamentary representation by way of some plan for a reformed House of Lords. A restriction on the use of motor-cars at elections in Britain is another statutory novelty in 1948; the experts of the Home Office Committee on Electoral Law Reform had been less than encouraging toward this innovation; the rigidity of its operation may need further attention. Elsewhere the Commonwealth of Australia experiments with proportional representation for the election of senators (pp. 62-3), and increases the membership of both its Chambers (p. 66). Queensland enlarges the numbers of its Legislative Assembly, with provision for redistribution of electoral districts or zones by an Electoral Commission.

"Even legislators must feed," remarks Mr. C. N. Shafqat in his thoughtful account of the legislation of Pakistan where sustenance is now provided for them. They receive higher pay in New South Wales and Queensland (both these States also improve the allowances of, amongst others, the Speaker, Leader of the Opposition and Government Whips) and in Bihar and elsewhere. Legislators indeed should neither be out of pocket by reason of their public service nor be afflicted by anxiety about their future. In Britain the House of Commons Members' Fund has attained so sound an actuarial position that the circle of beneficiaries can be widened. The Commonwealth of Australia initiates a contributory system of retiring allowances for persons who have served in its Parliament. Queensland, South Australia and Western Australia also provide pensions for ex-members.

A few points concerned with the legislative process may be mentioned. The

statutes of Tasmania are now numbered by the calendar year and not by the regnal year. The Commonwealth of Australia has amended its Acts Interpretation Act again; the provision for reckoning time is varied. New Zealand again has recourse to a Statutes Amendment Act (p. 113) for compendious alterations to as many as 34 different statutes. In the United Kingdom there are two novelties. First, in printing the longer of the Public General Acts it is now the practice to add at the end of each Act a table of the title and regnal-year-and-chapter citation of the various statutes named in the Act (p. 1), instead of inserting the references in the margin of the Act wherever the statutes were first mentioned. Secondly the executive has persuaded the legislature to deem documents to have been laid before Parliament if they are presented at a time when the two Houses are not sitting.

In the minds of not a few the laws of a country mean the laws against crime. Reference has already been made to the modernisation of punishments effected by England's vast new Criminal Justice Act. If corporal punishment has thereby been abolished with one significant exception (see p. 15), capital punishment survives. There is fresh law for persistent offenders, just as in Madras for habitual offenders. Juries in England need no longer be locked up together in cases of felony, and (as also in British Guiana) the right of challenge is amended. Besides the provision for payment of jurors in Trinidad and Tobago and in the Isle of Man, there are interesting changes in New South Wales where the old distinction between "common" and "special" jurors is ended and the duration of the period of disagreement before discharge is reduced and where it is now an offence to publish the name, description, address or photograph of a juror. "Provocation" in cases of homicide is re-defined in Zanzibar, and "intimidation" in cases of trade disputes in St. Lucia. Queensland prohibits picketing and extends the offence of arson to cover setting fire to aircraft and motor vehicles. Finger print records are made available in England as evidence of previous convictions; a police power to take finger prints is granted in St. Lucia; a Finger Print Bureau is established in British Somaliland as previously in other parts of East Africa. In Bombay the police may take measurements and photographs of certain classes of prisoners. Something like the Public Order Act which the United Kingdom Parliament adopted in 1937 has been found useful in several countries, especially in India, to preserve the peace and to suppress the threat of uniformed irregulars. Large assemblies, likely to endanger life or property may be prohibited in Uganda in "gazetted areas." Bombay deals with the nuisance of "loud-speakers." Cyprus and the Malayan Union regulate street and house-to-house collections. "Trading stamps," an undesirable form of advertisement, are banned in Queensland and Western Australia. The carrying of white canes is reserved to blind persons in New Brunswick as already in other provinces of Canada. In Northern Rhodesia it is an offence to take honey or bees on another person's land, whether enclosed or not. Illicit dealings in uncut diamonds are restrained in Zanzibar. Bihar seeks to repress immorality and to offer prostitutes a more respectable way of life (p. 131), but British Somaliland revokes an ordinance which had attempted to control prostitution with a view to reducing venereal disease. Bihar and West Bengal prohibit objectionable advertisements for treating sexual disorders and restrain the sale of contraceptives.

The law of traffic and road vehicles receives much attention. Insurance against third-party risks becomes compulsory in Fiji and Gambia. Queensland strengthens its provisions against driving dangerously or while "under the influence," and insists that the accused person must appear before the court. South Australia lowers the standard of intoxication constituting the offence. Trinidad and Tobago, like Gambia, adopt a highway code. In British Columbia motorists must not exceed 15 miles per hour when passing a school 'bus which is picking up or setting down school-children. There are special provisions for "cycle rickshaws" in West Bengal and for "motorised bicycles" (to be distinguished

from motor-cycles) in Manitoba. In the latter province juveniles' bicycles may be impounded.

There is a natural diversity in the treatment of human failings such as gambling or (to name another common stimulant of legislation) alcohol. It varies from the austerity of complete prohibition to an encouragement which extracts revenue from tolerance. New Zealand arranges for a poll on a proposal for totalisator off-course betting on horse-races. Malta, G.C. authorises its Minister of Finance to conduct Government lotteries. Bombay taxes lotteries and prize competitions and stiffens the penalties on street betting. As for intoxicating liquor, New Zealand amends its licensing laws in the light of a royal commission's report; Mr H. D. C. Adams comments that what was once judicially declared to be a "legislative jungle" is now even more difficult country. Queensland regulates the supply of liquid refreshment to aircraft passengers. Some concessions appear to be made in the prohibition law in Madras, and, in fixing a standard of temperance, Prince Edward's Island is prepared to allow a bottle a week.

In spite of this miscellany of the criminal possibilities of actions which are either wrong in themselves or merely wrong because forbidden, legislatures are not always creating new offences. The democratic development and extension of the franchise bring in the welfare State. The people's representatives must furnish the means of "social security" and must, at the public cost, improve the general standard in health and housing, insurance against occupational risks, hours of labour, education and the care of the young. In Britain there are new protections for "deprived" and neglected children; New Zealand and Saskatchewan, amongst others, take thought for immigrant children. The break-up of the poor law in England being now completed, decent homes are needed for old people (p. 18). The Local Acts obtained by progressive English municipalities have for several years been authorising the removal to hospitals and institutions of those unhappy persons who, through age, infirmity or other disability, can no longer look after themselves and who have nobody to look after them. This common-form local clause is now incorporated in the general law of England; the advantage to the patients is permitted to outweigh the loss of freedom. The common-law tradition of personal liberty makes legislators vigilant against any risk of unjustifiable detention. Saskatchewan has a Mental Hygiene Act which will empower a King's Bench judge to discharge a patient from an institution on application from any interested party and (if thought necessary) after examination by two psychiatrists. For mental patients British Columbia establishes Provincial Clinics of Psychological Medicine as an alternative to the mental hospital. More than one Indian legislature enacts recognition for the ancient system of indigenous medicine. Hospitals in Ontario will receive help from the proceeds of a tax on amusements. A sugar tax will assist to finance a Labour Welfare Fund in Barbados and in Trinidad and Tobago. In Australia the Commonwealth establishes acoustic laboratories to investigate and test aids for hearing. There are precautions against mumps and infantile paralysis in the New Hebrides; local authorities in Western Australia may provide immunisation against diphtheria, whooping-cough and tetanus. Shifts and increases of population accentuate the problems of hygiene and accommodation. India must provide for persons displaced from Pakistan; conversely Pakistan must provide for the influx from the East Punjab and elsewhere. Scarcely any country has sufficient houses. As landlords are not allowed to exploit the shortage, rent restriction laws are frequent; there is a Rent Controller in Tasmania, a Rent Assessor in British Guiana and an Assessment Board to fix the proper payment for furnished houses in the Isle of Man.

As usual the forces of nature, especially the elements of fire and water obtrude themselves upon the attention of legislators. Our summaries tell of bush fires in New Zealand, Western Australia and Northern Rhodesia, fire patrols needed in the forests of Newfoundland, a destructive conflagration at Castries in St. Lucia and another in a department store at Christchurch in New Zealand

flood relief measures for the Fraser Valley in British Columbia, help for Tasmanian fruit growers who suffered from a November hailstorm, cyclone and drought insurance in Mauritius, hurricane and earthquake emergency in Barbados, tornado damage in New Zealand, forest conservation in Alberta and other Canadian provinces, tree planting in Cyprus, soil conservation in New South Wales and elsewhere, and the problems of alluvion and diluvion in Bihar. To these topics we must add the pests, such as the tsetse fly in Uganda, cattle disease in Assam, silkworm disease in Madras, Argentine ants and other unwelcome insects in Western Australia, the risks of phylloxera to the grape vines in South Australia and of bee disease to the apiaries of Queensland, where the invasions of nomad bee-keepers cause the amendment of enactments designed for more permanent residents.

Anyone who sat down to read the following summaries continuously from the first page to the last would need exceptional enthusiasm and unlimited leisure. Their function is not to tell a connected story but to furnish, with the all-important aid of the index, information on topics of special interest to the reader. Mr. William Leitch records the help that Northern Ireland has derived from consulting a precedent from South Australia (pp. 24-5). It shows, as he remarks how the work in one part of the Commonwealth can be of use in another. Common motives inspire law-making. The Commonwealth conference on nationality has already been mentioned. The Seattle Convention on merchant shipping laws provides another influence; another is the need to grant diplomatic privileges to international bodies such as the United Nations Organization: yet another is the need to control the possession of radio-active substances. Common patterns of enactment are exhibited in the movement to facilitate uniformity of provincial legislation in Canada, for example in framing Bills about defamation, maintenance orders, libraries or the presumptions of survivorship of *commorientes*. No one, however, will expect more evidence of the universal than of the peculiar. Encountering a reference to the Mennonites and Hutterites or to the Pink Slip Law in British Columbia or to the Hung Society (the Society of Heaven and Earth) in the Malayan Union, an Englishman will feel as ignorant as perhaps an oversea reader may confess himself when he meets the Lambeth degrees on which Britain has been remitting the stamp duty. There should be plenty of interest for everyone in these categories of laws which range from ski-tows in Ontario, motor-boats on Quebec lakes, the dollar-earning attractions of the Butlin Vacation Village at Grand Bahama or tourism in Northern Ireland to H.M.A. Sydney Replacement Fund, the mitigation of the caste system in India, Queensland's generous "Food for Britain" movement or the floral emblem of Prince Edward's Island. Legislation may be concerned with a mere printer's error as in Southern Rhodesia (p. 122) or with the size of the United States Consul General's motor-car as in Bermuda or with such matters of major controversy as the further instalment of State monopoly in Britain, where the gas industry shares the fate or destiny of coal and electricity. In this field of nationalisation New Zealand fortifies the State ownership of coal and acquires the last privately-owned shares in the Bank of New Zealand; there is State transport in Queensland and New South Wales and in the latter there are State tileworks as well; Madras takes over motor transport services; arrangements are made for a national orchestra in Tasmania. In many countries the winding up or the continuance of war-time powers is prominent; in Australia the powers now pass from the Federal Government to the States. Is British Somaliland, by the way, the only country that felt the need to pass an Act of Indemnity?

For the rest, one must not prolong a tedious category of illustrations selected somewhat at random. Otherwise something should have been added of the film censorship in Queensland (which accords with the conclusions reached at the Australian Premiers' Conference in 1946), of the continuance of press control in Bombay, and of the milder supervision in Uganda which enables publicity to be given to official corrections of false or distorted statements in newspapers.

We must not linger over the arrangements for uniform standard time in Alberta, Quebec and the rest of Canada, over the provision for national parks in Tanganyika, bird sanctuaries at the Cape and forest reservations in New Zealand (where it is hoped that the not quite extinct notornis, reappearing like another phœnix, may yet survive) or over the various types of professional regulation. In this last named context we should have to take note of book agents in Saskatchewan, real estate agents in British Columbia, veterinary surgeons as well as child minders in Britain, medical auxiliaries (opticians, masseurs and physiotherapists) in Manitoba, architects and quantity surveyors in Northern Rhodesia, mothercraft nurses in Western Australia, private detectives in Alberta and lawyers and doctors in many places, not omitting to mention the Saskatchewan law which obliges professional organisations to make their by-laws subject to control by the Legislative Assembly and which ensures a right of appeal or further hearing to a professional man who has been suspended from practice or dismissed from membership of his professional society.

And now, without further preamble, we turn the page and pass on to the separate summaries of a year's law-making, once again thanking the contributors who provide them and perhaps commiserating with them on their Herculean labours and their formidable responsibilities if (as often happens) they are themselves the draftsmen of the laws whereof they write. David Hume begins an essay ("On Parties in General") with the assertion that in any assessment of memorable and distinguished achievements "the first place of honour seems due to legislators and founders of States." Antiquity, he says, has been somewhat unjust in its distribution of honours. It has defied Ceres, Bacchus and Aesculapius and has rated Romulus and Theseus no higher than demi-gods and heroes. Hume need not perhaps have been anxious for the founders of States: they are few in number and the history books will take care of them. Let us not omit to pay respect to the legislators and to pray a blessing upon their near-godlike and heroic labours.

I. BRITISH ISLES

1. UNITED KINGDOM.

[*Contributed by* Sir Cecil Carr, K.C.B., K.C.]

The statutes enacted by the United Kingdom Parliament in 1948 numbered 64.* The Home Office, responsible for major Bills dealing with nationality, criminal justice, children and the law of elections, must have had an exacting year.

Improvement of the Statute Book.—There are four consolidation statutes. One (c. 38) rewrites the Companies Acts after the heavy amendments made in the previous year, just as the consolidation of 1929 followed the amendments of 1928. The other sequences of enactments to be rewritten are those relating to agricultural wages (c. 47), agricultural holdings (c. 63) and national service (c.64).

A long Statute Law Revision Act (c. 62), preparing the way for a third edition of Revised Statutes, eliminates dead matter dating from the reign of Henry II down to the year 1800; over 550 old Acts are wholly, and nearly 200 are partly, repealed. This is the third time that the earlier part of the statute-book has been subjected to this process. Among the obsolete provisions which now disappear are 3 Hen. 8.c.11, prohibiting physicians and surgeons from practising in the City of London or within seven miles therefrom unless first examined and approved by the Bishop of London or the Dean of St. Paul's[1]; Section 11 of 33 Hen. 8.c.9, forbidding artificers, labourers and servants to play cards, bowls or other unlawful games "out of Christmas": Section 3 of 31 Hen. c.6, ordering the Act to be read at every college election of fellows and scholars (an obligation long forgotten at Oxford and Cambridge); and Sections 10 and 11 of the Lying-in Hospitals Act, 1773, requiring women before admission to be examined before a justice on the question whether they were married or single. This new Statute Law Revision Act repeals many local and personal enactments even though these would in any event not be printed in a fresh edition of Revised Statutes. There seemed no justification for leaving untouched any statutes or sections which are obviously dead, whether personal (such as 7 Hen. 7.c.8, annulling the offices granted to one Croft who had taken sanctuary after committing murder, or 12 Geo. 2.c.23, providing a reward for Joanna Stephens on her disclosure of her medicine for cure of the stone) or local (such as 1 Ann. Stat. 2.c.6, for preventing escapes from the Queen's Bench and Fleet Prisons, both long ago demolished, or 15 Geo. 3.c.47, "an Act for watering Piccadilly"). The new Act also includes some repeals in general terms—e.g., words barring the allowance of an essoin, wager of law or imparlance. Finally it confers short titles on some 150 statutes which the Short Titles Act of 1896 had omitted to christen[2].

A minor change of form in the printing of public general statutes is introduced in 1948. It was the previous practice to insert in the margin a reference to the regnal year and chapter of any Act mentioned in a statute, but to give this information only where the Act was mentioned for the first time. Many amending statutes refer throughout to a "principal Act" but do not identify it until the list of definitions is reached in an interpretation clause at the finish. Should the marginal reference be inserted where the words "the principal Act" first occur? Or wherever they occur? Or only in the interpretation clause where "the principal Act" is at last identified? The solution (recommended by the Statute Law Committee) is to eliminate such references from the margin but to print after the end of an Act a "Table of Statutes referred to in this Act," this table

* 54 belongs to the session 11 & 12 Geo. 6, and 10 to the session 12 & 13 Geo. 6; the chapter numbers of the latter are distinguished by an asterisk throughout this summary.

[1]It may be of interest to record that the draftsman, before proposing this particular repeal, obtained the consent of the bishop, the dean, the Royal Colleges of Physicians and Surgeons, the General Medical Council, the Ministry of Health, the Privy Council and the Church Assembly Legal Board.

[2]Thus 26 Geo. 2.c.22 can now be cited as "The British Museum Act, 1753," whereas previously (see 20 & 21 Geo. 5.c.46.s.1) 69 words were employed to identify it.

containing the short titles and the regnal years and chapters of the statutes mentioned[3].

The Royal Marriage.—The Princess Elizabeth's and Duke of Edinburgh's Annuities Act (c. 14) follows the report of the Select Committee on the Civil List, appointed to consider these matters on receipt of the Royal Message. There was no previous example of provision for an Heiress Presumptive.

Commonwealth and Overseas Affairs.—The Palestine Act (c. 27) relinquishes the British mandate as from May 15 or such earlier date as might be appointed by Order in Council. "His Majesty's Government shall cease to be responsible for the government of Palestine"; it remains for the successor government to establish the new régime. There will be no more appeals from Palestine to the Privy Council. There is an indemnity for the acts of every person in His Majesty's service "if done in good faith and done or purported to be done in the execution of his duty." Statutory references to Palestine as formerly administered are adjusted. Orders in Council may provide for the disposal or application of any property belonging to the existing government or any public authority in Palestine, and may deal with the superannuation of officials and other consequential matters.

Two new bodies are created by the Overseas Resources Development Act (c. 15)—a Colonial Development Corporation with a capital of 100 millions and an Overseas Food Corporation with one of 50 millions. The former body is to concern itself with "the expansion of products, foodstuffs and raw materials" or other agricultural, industrial or trading development; the latter will take over from the Minister of Food "the large-scale production of groundnuts" as a first project, and will be generally responsible for the processing and marketing of other products. Both bodies are to consult local interests and for this purpose to appoint committees; they are to look after the safety, health and welfare of their employees. "The responsible Minister" (in the one case the Secretary of State, in the other the Minister of Food) is to give each corporation "directions of a general character as to the exercise and performance of their functions in relation to matters appearing to him to concern the public interest," and "the corporation shall give effect to any such direction." These words echo the formula employed in recent statutes which carry out the policy of nationalisation and which seek to reconcile governmental control with independent management.

Nationality. —The common code of nationality throughout the British Commonwealth of Nations tends to disintegrate. Down to 1946 the United Kingdom, Canada, Australia, New Zealand and South Africa had laws which defined who were British subjects and how that status could be gained or lost. These laws were largely similar and there was an understanding (in keeping with the preamble to the Statute of Westminster) that alterations should not be made without consultation and agreement. Imperial conferences, however, occurred at irregular intervals, and agreements and the complementary legislation came so deliberately that divergence was probable. In 1946 the Canadian Citizenship Act, while still recognising the common status of British subjects, exhibited some departure from the common code. Early in 1947 a London conference of experts (to which, among other self-governing countries, Newfoundland, Southern Rhodesia, Burma, Ceylon and Eire sent representatives), salvaged something like a common principle. Each country would legislate to determine its own citizens, would declare them to be British subjects and would recognise as British subjects the citizens of other countries. The British Nationality Act of 1948 (c. 56) puts this key provision into its first section; the United Kingdom and the Colonies are grouped, for the purposes of citizenship, as one community; all persons who under the Act are citizens of this community, or who under the law of any country named in the section are citizens of that country, "shall by virtue of that citizenship have the status of a British subject," and "anyone having the

[3]See, for instance, this postscript at the end of the Civil Defence Act.

status aforesaid may be known either as a British subject or a Commonwealth citizen." The named countries are Canada, Australia, New Zealand, South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon. The list, it will be noted, excludes Eire, for which the next two sections provide. Eire citizens will not be British subjects, though an Eire citizen who was previously also a British subject and has been in Crown service or holds a British passport issued in the United Kingdom or "has associations by way of descent, residence or otherwise with the United Kingdom" can remain a British subject if he notifies his claim. Part II of the Act defines citizenship of the United Kingdom and Colonies, whether by birth, descent, registration or naturalisation or by incorporation of territory; these permanent provisions, based on the existing law, are followed by some transitional arrangements. Then come the conditions under which citizenship of the United Kingdom and Colonies can be renounced by reason of dual citizenship or nationality, or can be taken away, on a Secretary of State's order, for disloyalty, disaffection, or other sufficient cause. Having repealed the material provisions of the 1914 Act, the new statute removes the disabilities of a married woman in respect of nationality and treats her in that respect as single. One may, with the aid of the White Paper (Cmd. 7326) which summarised the main provisions of the new law, disentangle the following rules for the future:—

(1) A woman citizen of the United Kingdom and Colonies will not lose her citizenship by marrying an alien.

(2) Having lost British nationality by marriage or during marriage, she automatically reacquires it, and then becomes either a citizen of the United Kingdom and Colonies or of another Commonwealth country.

(3) An alien woman, if she marries a citizen of the United Kingdom and Colonies, will not automatically acquire citizenship on marriage, but she may apply for registration as a citizen; the Home Office retains a discretion whether it will grant the application or not.

(4) If a citizen of a Commonwealth country but not of the United Kingdom and Colonies, or if a British protected person, she will not, on marriage to a citizen of the United Kingdom and Colonies, herself become such a citizen, but she can claim to be registered as such as of right. whether or no she resides in the United Kingdom and Colonies.

(5) If of alien origin and already a British subject and already married to a person who becomes now a citizen of the United Kingdom and Colonies, she will become a citizen herself; in other cases, if of alien origin, she will become such a citizen only if none of the Commonwealth countries with which she is connected by marriage grants her citizenship; and

(6) A married woman is no longer under a disability in the matter of losing or acquiring citizenship. So, if she is a citizen of the United Kingdom and Colonies, and possesses also another citizenship or another nationality, she will be free to renounce her citizenship of the United Kingdom and Colonies; and an alien woman married to an alien husband will, if qualified for naturalisation, be free to apply for nationalisation in her own right.

Parliament.—A new House of Commons Members' Fund Act (c. 36) follows on the review of the working of the original Act of 1939 by a Select Committee (Cmd. 7282). The Committee recommended an increase of benefits and a reduction of the contributions which are deducted from members' salaries. The Act increases the benefits but leaves the contributions at £12 per annum as before. The scheme is now extended to the widowers as well as to the widows of past members. Periodical or other payments may now be made "for the purpose of alleviating special hardship." The Act ignores the Committee's recommendation that no ex-member who becomes a peer shall be eligible for assistance from the fund.

A short and rather cumbrous measure, the Laying of Documents before Parliament (Interpretation) Act, is thought necessary "for removal of doubts"

(c. 59). Statutes often require that departmental regulations, rules or orders, reports, accounts or other documents are to be laid before Parliament. In the case of regulations, rules or orders (nowadays referred to as "statutory instruments") Section 4 of the Statutory Instruments Act, 1946, directed that, where laying is required, a copy "shall be so laid before the instrument comes into operation." Late in 1947 the House of Commons adopted a Standing Order which allowed the delivery of a copy to the Votes and Proceedings Office on any day during the existence of a Parliament to be deemed the laying of it before the House. This Standing Order (slightly amended a month later) therefore permits a loose system of tendering and accepting these documents on a Saturday or during a recess at any time when the Votes and Proceedings Office is open. There was an idea that, if a rule-making department could send its instruments down to the House as soon as they were made, oversights like the omission to lay the Fire Service Regulations of 1941 (cured and apologised for by 7 & 8 Geo. 6. c. 35) would be less likely to occur. When, however, a similar Standing Order was proposed for the House of Lords, it was criticised as being possibly *ultra vires*. Section 4, it was contended, must refer to the process of laying as it was understood at the time when the section was enacted; a Standing Order could not amend the section by substituting a different process. The new Act declares that references in any past or future statute to laying before either House shall mean whatever action the House prescribes by any Standing Order, Sessional Order or other direction, or accepts by its practice, as constituting such laying, "notwithstanding that the action so directed or accepted consists in part or wholly in action capable of being taken otherwise than at or during the time of a sitting of that House."

The new Act makes a further small change. Section 4 (1) of the 1946 Act allowed instruments to operate in advance of laying if the matter was urgent, and if notification was given to the Lord Chancellor and Mr. Speaker. It forgot to provide for the contingency of a vacancy in the office of these two dignitaries. An amendment declares that, in the event of a vacancy, it will suffice if notification is given immediately after the vacancy is filled.

The Law of Elections.—The Representation of the People Act (c. 65) covers both parliamentary and local government elections. There had been no lack of preliminary exploration. There were two Speaker's Conferences; the Boundary Commissioners had reported in 1945 (Cmd. 6634) on the division of abnormally large constituencies; there were the interim and final reports of the Committee on Election Law Reform [Cmd. 6606 (1945) and Cmd. 7286 (1947)], and the report in 1946 (Cmd. 7004) of the Oliver Committee on Electoral Representation. The Act carries out the Government's decision to abolish not only the business vote but also the special representation of the universities—a potential, if not always an actual, opportunity for adding to debates in the House of Commons an element of independence. The latter change is effected by enacting in the first section that the parliamentary constituencies shall be the county and borough constituencies scheduled to the Act "and no other constituencies." The scheduled list (of exclusively single-member constituencies) substantially follows the Boundary Commission's recommendations; the shock of a proposal to throw the historic two-member representation of the City of London into a single-member union of the City with Finsbury and Shoreditch was mitigated by uniting the City with the City of Westminster instead.

Registration officers are to prepare spring and autumn registers of electors. There will be polling places for each polling district, and facilities for postal voting will be given to servicemen, civil servants or others absent from home on duty, parliamentary candidates and their wives, blind or incapacitated persons and voters unable or unlikely to go to vote in person without making a journey by air or sea. There are provisions for absent voters and proxy voting. If there is equality of votes at a parliamentary election, the Returning Officer will draw

lots to save him the invidious personal decision of a casting vote. The hours of polling will be from 7 a.m. to 9 p.m.; formerly it was necessary to apply for extensions of time. Returning Officers are to send every elector an official poll card in the prescribed form, giving his name, address, number in the register, and polling place, and the date and hours of the poll. Nomination papers are not to refer to a candidate's political activities and need not refer to his rank, profession or calling if he is otherwise sufficiently identified; if the description is unduly long, the Returning Officer may shorten it or substitute another. Ballot papers are to be so printed as to avoid the old doubts whether the voter's cross or mark is adequately located. The declaration of a voter's inability to read is no longer required. All election literature printed and distributed to promote a candidate's election is to bear the name and address of the printer; this requirement formerly applied only to bills, placards and posters. A candidate's wife or husband and a candidate's agent is now given an express right to be present at the counting of votes. The old limit of a candidate's election expenses (6d. per elector and £75 for an agent) is changed, as the Speaker's Conference recommended, to a basic sum of £450 plus 2d. for each elector in county, and 1½d. for each elector in borough constituencies. The new law leaves the candidate a greater liberty to decide what he shall spend his money on, within the fixed limits. An archaic restriction on his giving or providing cockades, ribbons and other marks of distinction is abolished. In the prohibition of expenses not authorised by his election agent the outsider's intervention in favour of a candidate is now extended to cover [in view of *R. v. Hailwood* [1928] 2 K.B. 277] intervention to prevent the return of a candidate. Various powers of the High Court to grant relief for minor technical branches of the election law, and also the jurisdiction to grant an injunction to restrain false statements at election times as to the character or conduct of a candidate, are now to be exercised also by county courts. Certain schoolrooms and halls are to be available for a candidate's meetings; he will be entitled to a list of them. The use of wireless transmission from outside the United Kingdom for election propaganda (save under arrangements made by the B.B.C.) is forbidden. The offence of personation is treated less seriously; the disqualifications consequent upon conviction for a corrupt practice are lightened. There are changes in the law of local government elections. They will now take place in England during April and May and in Scotland during May. Parish council elections will no longer be conducted by show of hands but by nomination and poll. Candidates at local government elections are to employ election agents, but may appoint themselves as their own agents.

Many of these alterations follow recommendations of the Committee on Election Law Reform, on which the chief agents of the political parties and experienced English and Scottish returning officers were admirably represented. There is one novelty in the new Act which the Committee refrained from recommending, namely the control of the use of motor vehicles conveying electors to the poll. Ever since 1883 it had been an "illegal practice" to pay for transport to and from the polling place; no one was allowed to let, lend or employ a hackney carriage or a carriage "which he keeps or uses for the purpose of letting out for hire." The Speaker's Conference agreed not to suggest the removal of these restrictions on hiring, but Parliament took the view that the use of cars should be further restricted for fear one side might have an unfair preponderance. In future no one must "either let, lend or employ, or hire, borrow or use" a motor vehicle to take voters to the poll. There are, however, some statutory exceptions. Motorists may drive themselves and members of their household to vote; moreover a candidate may employ cars if they are registered with the Returning Officer and carry a placard indicating that they are so registered, provided that the number of cars does not exceed the proportion of one to every 1,500 electors in a county, or one to every 2,500 electors in a borough constituency.

Defence.—The usual Army and Air Force (Annual) Act, in continuing the Army Act and the Air Force Act for another year, makes a few amendments (c. 28). In view of the Indian Independence Act of 1947, for instance, it is necessary to eliminate references to India. Detention barracks for the Air Force become "corrective establishments," as did those for the Army in the previous year. Another statute completes the emancipation of women members of two out of three services[4]. The A.T.S. had been constituted by royal warrant in 1938 and the W.A.A.F. became a separate service in 1939. In 1941 their officers were commissioned and further disciplinary provisions of the Army Act and Air Force Act were applied. The 1941 Defence (Women's Forces) Regulations declared them to be members of the Armed Forces. Two years later a new section 176A was inserted in the Army and Air Force Acts for the discipline of women serving oversea where the Defence Regulations did not apply. As those Regulations were to expire in 1950, the Army and Air Force (Women's Service) Act now extends His Majesty's powers of raising and maintaining land and air forces to include power to raise and maintain those consisting of and including women (c. 21). The relevant section continues:—

> "and it is hereby declared that the like power is included in the power to raise land forces vested in His Majesty by virtue of the perogative of the Crown."

whence it appears that Parliament has succeeded in enlarging the royal prerogative—a possibility previously disputed[5]. The new law applies to the Army and Air Force Acts and other enactments to women, with adaptations prescribed by Order in Council.

While the Army Act, dating from 1881 and annually amended ever since, remains in its appallingly untidy state, the temporary National Service Acts are re-written in orderly form as already stated. But the consolidating Act (c. 64) is amended a few months later (c. 6*); the main change is the enlargement of the terms of whole-time and part-time service from 12 to 18 months and from 5½ to 7 years respectively.

A Royal Marines Act (c. 25) has two objects. First it creates a new Royal Marine Forces Volunteer Reserve, somewhat on the model of the Royal Naval Volunteer Reserve; this new Reserve Force has to be inserted consequently in those statutory contexts where other Naval Reserves are mentioned. Secondly, it arranges for "special service" engagement of Marines, i.e., service for the term authorised by Admiralty order, with liability, on completion of the prescribed period in the Royal Marines, to remain for the rest of the term in the Royal Fleet Reserve. Under the Recall of Army and Air Force Pensioners Act (c. 8*) discharged soldiers and airmen in receipt of service pensions become liable to recall (up to the age of 60) in emergency.

There is civil as well as military defence. An Act of 1937 dealt with air-raid precautions; another in 1939 concerned itself with public and domestic shelters, the black-out, and employees' training. In 1945, when the worst ordeals were over, a third Act suspended its two predecessors. Now in 1948 a fourth imposes on the appropriate departments the general duty of taking all steps necessary or expedient for civil defence, and in particular the formation, training and equipment of forces, their integration with police and fire brigades, the instruction and equipment of the public, the storage and maintenance of commodities, and the construction or alteration of premises, excavation and any other work required. Since these functions will involve almost every department, this new Civil Defence Act (c. 5*) speaks of "the designated Minister," meaning any Ministers who may be designated by Orders in Council; they may delegate their functions to one another. Regulations, to be made under the Act, give wide

[4]The "Wrens" remain a civilian organisation; the W.R.N.S. not having been brought within the Defence (Women's Forces) Regulations, 1941.

[5]See, for instance, Prof. Chrimes, *English Constitutional History*. Home University Library), p. 19.

powers and responsibilities to local and police authorities. These bodies will receive grants towards their expenditure; they may acquire land compulsorily. Regulations may also revive, amend or repeal any provisions of the Acts of 1937 and 1939. The new statute is necessarily framed in elastically "enabling" terms. The gist of its definition of "civil defence" is the inclusion of "any measures not amounting to actual combat for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack of . . . . its effect, whether the measures are taken before, at or after the time of the attack."

Prize.—Proceeds of ships and goods condemned as prize in war are part of the hereditary revenues of the Crown, surrendered by the Crown to the Exchequer under modern Civil List arrangements. We need not here distinguish Droits of Admiralty (where merchant vessels are captured in ports) from Droits of the Crown (where ships are seized on the high seas or driven into port by the King's men-of-war). The Naval Prize Act of 1918 contained the traditional grant of prize money for the benefit of individuals. In 1945 it was decided that the old system of prize bounty should come to an end; it was not needed as an encouragement to destroy or capture enemy ships, and naval warfare had been revolutionised by the integration of the three fighting services. The Prize Act of 1948 (c. 9*) names the amounts which His Majesty, in the exercise of his prerogative, may grant to the Royal Navy (four millions) and the Royal Air Force (1½ millions); it defines the persons for whose benefit grants may be made, leaving the details to be filled in by Royal Proclamation[6]; it gives the Air Council a discretion to decide the charitable and welfare funds to which the R.A.F. share shall be allocated; and it gives the Admiralty a discretion to distribute naval prize money to the crews of ships other than ships of war. The Act will be the last of its kind, for it extinguishes the prerogative right to make grants of prize money, whether Droits of Admiralty or Droits of the Crown, "to officers or other persons seizing or taking the same" in any future war.

Shipping.—The Merchant Shipping Acts are amended (c. 44) to conform with International Conventions adopted at Seattle in 1946 in respect of the accommodation and meals of crews on shipboard, the certification of able seamen and of ships' cooks, and social security for seafarers. The Conventions are mentioned in a preamble but are not annexed to the new statute. The Minister of Transport is empowered (after consultation with such organisations as appear to him to represent British shipowners and their employees) to make regulations for "crew accommodation," which words are defined to include:—

> "sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store-rooms and catering accommodation provided for the use of seamen and apprentices, not being accommodation which is also used by or provided for the use of passengers"

in registered British ships but not in fishing boats. There is a power of inspection either on registration or re-registration or on complaint. Seamen in British ships registered in the United Kingdom are not to be rated AB unless they hold a certificate of competency granted when they have reached the prescribed age, performed the prescribed "qualifying service at sea," and passed the prescribed examinations. If the law of any part of the Dominions outside the United Kingdom provides for the issue of certificates of competency as ship's cook and the Minister is satisfied that the conditions of issue require standards not lower than those needed for a certificate under Section 27 of the 1906 Act, an Order in Council may direct that the holders of these certificates may be deemed duly certificated under Section 27. If representatives of owners and seamen wish, an Order in Council may apply Section 27 (as modified) to fresh classes of British

[6]For the Proclamation see the *London Gazette* of March 8, 1949, cols. 1193-4. The scale, ranging from 10 shares for an Admiral of the Fleet down to one share for an ordinary seaman or boy, may be contrasted with that prescribed in 1918 (see S.R. & O. 1918, II, p. 673) whereunder the Commander-in-Chief of the Grand Fleet received 2,000 shares and an ordinary seaman or boy 3.

ships. As for social security, the owner's duty (under Section 34 (1) of the 1906 Act) to defray expenses in case of injury or illness is now extended to include expenses of maintenance during any period of unemployment after cure and before his return to a proper home port, but not if he fails to accept suitable employment in a British ship sailing home within a reasonable time or fails to comply with any other reasonable arrangements for his return.

Fisheries.—Over-fishing of the North Sea between the two World Wars led to the holding of an international conference in London in 1946 which, amongst other things, regulated the meshes of fishing nets. Effect is given to its decisions by the White Fish and Herring Industries Act in 1948 (c. 51). The Sea Fishing Industry Act, 1933, had regulated the size of meshes but not in territorial waters. The new Act extends the Act of 1933 to those waters adjacent to the United Kingdom. Another remedy for over-fishing is the reduction of tonnage engaged. The new Act establishes a system of licensing of British boats fishing for white fish in the North Sea; but this restrictive provision will not operate until an "appointed day"—which means until this country is satisfied that others are also restricting themselves. Further grants are made to re-equip inshore fishing, and loans are authorised to help fishermen's co-operative societies which furnish fuel and gear and the benefits of bulk purchase and marketing facilities. Additional money is forthcoming for the Herring Industry Board. Simpler machinery is created for making departmental schemes for reorganising, developing and regulating the industry. Previously the Board had to wait for consultation with the industry and had to be satisfied that the prevailing opinion favoured a scheme. Ministers, too, had to move cautiously. Now the Ministers will initiate action; after consulting the Board, they will advertise their draft proposals and submit them for approval by parliamentary resolution. Once again we may note the modern formula of central control; the Ministers may give the Board "such directions of a general character . . . as appear . . . to be requisite in the national interest, and the Board shall give effect to any such directions."

Reconstruction. —A Requisitioned Land and War Works Act (c. 17) extends up to December 10, 1952, powers conferred by the principal Act of 1945 which would otherwise expire at once. It also brings compensation provisions into line with recent enactments, rejecting the inequitably low ceiling of 1939 values. Among the "war works" were the pipe lines for oil, secretly constructed across England under temporary powers; to acquire the necessary easements permanently would be a slow and toilful business; the new Act boldly makes the acquisition permanent and provides lump-sum compensation fixed by arbitration in default of agreement.

Land and Water.—Problems of land drainage and water pollution are dealt with by the River Boards Act (c. 32). In England, it was said, there were 1,600 authorities responsible for preventing pollution of rivers, 45 fishery boards and 53 catchment boards responsible for draining land. All these are now replaced by river boards, few in number, established for such areas in England and Wales (except the Thames, Lee and London areas) as the Minister of Health and the Minister of Agriculture and Fisheries, acting jointly, may by order define. Each area will be one which drains into a single river or a group of rivers; there will be one authority for a river, from its source to the sea. The Ministers may, on application from either side, transfer to a river board any functions of a navigation authority, conservancy authority or harbour authority. River boards will have the duty "to conserve so far as practicable the water resources of their area." They may submit schemes for measuring and recording rainfall and the flow and volume of rivers and inland waters; they may be directed by the Minister of Health to undertake such measurement and recording and to furnish information about water resources or the abstraction of water from, or the discharge of effluents into, the rivers, streams and inland waters in their area.

Water Supply.—Big modern Bills are produced and passed so hurriedly that

patching is soon required. The Water Act of 1945 needs amendment. Thus would-be water undertakers found that they could not supply water until they were able to exercise certain statutory powers under the Act—e.g. to acquire land, build works and take water from rivers or other sources. The definition of "statutory water undertakers" in Section 59 of the 1945 Act would not allow these powers to be exercised until the undertakers were already supplying water. New undertakers therefore could not be statutory undertakers until they were already supplying—*quod erat absurdum*. The amending Act (c. 22) re-defines "statutory water undertakers." Another oversight was discovered in the course of local legislation. Section 12 (1) of the 1945 Act began "Any statutory water-takers may enter into an agreement with any other persons;" this meant that one body of such undertakers could not enter into agreement with another such body. The words are therefore amended in 1948 to read: "An agreement may be made between any statutory water undertakers and any other persons." Among other amendments power is given to survey and bore for water on land which it is proposed to purchase; otherwise undertakers might have to buy land by compulsory purchase before ascertaining that the site was suitable for its intended purpose.

Gas Nationalisation.—The coal industry having been nationalised in 1946, and electricity supply in 1947, the Gas Act in 1948 rounds off the State monopoly of fuel and power (c.67). Of the three schemes the gas nationalisation relies the most upon devaluation. Areas are to be defined by ministerial order. In the areas there will be substantially independent boards with the duty to maintain an efficient and economic supply of gas and to produce coke and by-products; they will have power to manufacture and distribute all these fuels and substances and to sell or hire fittings. Contrary to the advice of Sir Geoffrey Heyworth's Committee there is a central Gas Council (on which the area chairmen have seats) to advise and assist the boards in manufacturing the plant they require and in making fittings for sale or hire but not for export. Here again the formula adopted in nationalisation Acts sets out the relationship of the Minister of Fuel and Power to the boards. He may give them such directions of a general character as appear to him to be requisite in the national interest, and they must give effect to the directions. There is also to be a Gas Consultative Council for each area; the members will be appointed by the Minister from representatives of local authorities, commerce, industry, labour, gas consumers and persons or bodies interested in gas development. The area boards and the Gas Council will report annually to the Minister on their work, policy and programme; he will submit the reports to Parliament. The boards and the Council are not to be exempt from rates, taxes or other charges, whether general or local.

The new Act substantially repeals the public and private enactments formerly applicable to gas undertakings. It substitutes a fresh code, eliminating archaic provisions dating back to the Gasworks Clauses Acts of 1847 and 1871. Those early statutes had helped forward the construction of works, the acquisition of land, the breaking open of streets to lay mains, and the recovery of charges (enforced by the threat of cutting off supplies); but they restricted undertakers in the use of their land, and they obliged them to supply all owners and occupiers of premises within 25 yards of a main. The Gas Regulation Act of 1920 had favoured a heating rather than a lighting standard and had introduced the system of charge by "therms." Gas Undertakings Acts of 1929, 1932 and 1934 had followed out the recommendations of the Melchett and Wrottesley Committees. Coming in the place of all these, the Act of 1948 has to deal with co-partnership schemes, staff pensions and safety regulations to protect the public "from any personal injury, fire, explosion or other dangers arising from the distribution of gas by an area board or the use of gas supplied by an area board." The Third Schedule contains many provisions formerly found in Private Bills.

Part II of the Act vests the assets of gas undertakings in the appropriate area boards; every holder of securities is to be compensated with British Gas Stock

of an amount which the Treasury thinks of a value equal to the former holding, "regard being had (in estimating the value of the stock so issued) to the market value of Government securities at or about the vesting date." Stock Exchange values, where available, are used. Several sections are needed to explain the special compensation for local authorities, for composite companies (i.e. those which, under statutory authority, supply water as well as gas), and for ancillary gas undertakers, non-corporate undertakers and electricity boards. As in the Electricity Act of 1947, the area boards must so exercise their functions as to secure that their revenues are "not less than sufficient to meet their outgoings properly chargeable to revenue account, taking one year with another." The Gas Council, in its manufacture of plant or gas fittings, must do the same. Naturally there are many technical clauses dealing with finance, borrowing, accounts and audit. As for charges to consumers, an area board is to charge according to the number of therms supplied, the number being calculated on the basis of the declared calorific value of the gas. The board's charges are to be in accordance with tariffs fixed by them from time to time, "framed so as to show the methods by which and the principles on which the charges are to be made as well as the prices to be charged" (words which were to cause trouble later) and adequately published. There is to be no undue preference or undue discrimination.

Monopolies.—Government monopolies, such as that of gas, are exempt from the Monopolies and Restrictive Practices (Inquiry and Control) Act which sets up a commission authorised to investigate and report, at the instance of the Board of Trade (c. 66). There was a somewhat similar power to obtain information about trusts, combinations or arrangements for regulating prices or delimiting markets in the temporary Profiteering Act, 1919, which expired in 1921. Under the 1948 Act, where certain "conditions" are found to exist and the public interest is endangered, the Government department concerned may make an order declaring the operation to be unlawful or requiring the parties to terminate the agreement or arrangement which is the subject of the Commission's report. The order will require confirmation by resolution of both Houses of Parliament. The Commission's reports are ordinarily to be laid before Parliament, and the Board of Trade must also report annually on the working of the Act.

Inventions.—The Department of Scientific and Industrial Research had suggested that some independent organisation be created to take over inventions resulting from Government research—an idea to which the Swan Committee on Patents had also referred. Accordingly the Development of Inventions Act (c. 60) sets up a National Research Development Corporation to develop or exploit, where the public interest so requires, inventions so resulting or any others which appear to be not yet sufficiently developed or exploited. The new body will also acquire, hold, dispose of or grant rights in such inventions. Before it actually manufacturers goods or constructs works or finances development, the sanction of the Board of Trade must be obtained. The word "invention" is defined to cover new processes or techniques whether or no a patent has been or could be granted. The corporation will have a chairman, a managing director and from four to ten other members appointed by the Board of Trade. A previously noticed formula directs the corporation so to exercise its functions that its income will meet its outgoings on revenue account, taking one year with another; the Board of Trade may, after consulting the corporation, give it "general directions" with which it must comply. Advances up to five millions may be made, subject to Treasury consent. There is provision for repayment of advances, interest payments, a reserve fund, annual accounts, professional audit and a report to Parliament.

Agriculture.—Besides two consolidating statutes (referred to already) respecting farm wages and agricultural holdings, and besides the provision in the Animals Act (to be mentioned later) for conquering bovine tuberculosis, there is a comprehensive Agriculture (Scotland) Act (c. 45). Part I legislates on familiar

lines for compensating a tenant for his improvements and a landlord for the deterioration of the holding. There is compensation for disturbance and provision as to notices to quit, the variation and ascertainment of the terms of leases, arbitration, and so on. Part II, headed "Good Estate Management and Good Husbandry," deals with the dispossession of owners or occupiers who fall short of the proper standard, and authorises the Secretary of State to take possession where occupiers are dispossessed and no other arrangements are made. He may also give special directions, in the interests of the national food supply, for the use of land and the carrying out of work and for the stocking of deer forests and grouse moors with sheep or cattle. Part III gives him further powers to control animals or birds which damage crops, pasture, foodstuffs, livestock, trees, hedges, banks or other works on land; he can require the occupier to take steps to destroy the animals ("rabbits, hares and other rodents, deer, foxes and moles") or birds (the wild birds excluded from the application of the Wild Birds Protection Acts), and can contribute to the cost of such measures. He can also require the occupier to prevent the escape of captive animals likely to do damage. He can provide, or make grants towards, services and equipment for pest control, and, on complaint of damage, may authorise the killing of deer. There are various amendments of the law of ground game, the use of poisonous substances, night shooting and spring traps. Under Part IV the Secretary of State can acquire by agreement land which is or could be used for agriculture, and can acquire by compulsory purchase land for research, experiment and demonstration. If he is satisfied that the "full and efficient use" of land for agriculture is not being made or fixed equipment provided, he may take over the land and manage it. Provisions of this kind in Agriculture Acts for England and Scotland have apparently met in large measure the political demands for land nationalisation. Other parts of the Act authorise the provision and equipment of holdings, loans to tenants, and the winding-up of the Agriculture (Scotland) Fund, arrange for Agricultural Executive Committees in prescribed areas and Agricultural Advisory Committees, and enlarge the membership and jurisdiction of the Land Court. Finally there are fresh provisions enabling the Secretary of State to carry out agricultural drainage works (by mechanical excavators or otherwise) on behalf of owners or occupiers and to recover the cost; he may make grants to landholders and cottars in the Highlands and Islands for building, rebuilding or improving dwelling-houses; and there is an extension of the time for applying for financial assistance for replacing unsatisfactory houses.

Animals.—The period for making payments to farmers for eradicating tuberculosis from herds of cattle, otherwise expiring during 1948, is prolonged for a further ten years by Part I of the Animals Act (c. 35). Three further five-year extensions may be authorised by a ministerial order if the Treasury consents and if the two Houses of Parliament approve by affirmative resolutions. Part II forbids the keeping of a stallion of the prescribed age unless with a licence. This strengthens the Horse Breeding Act, 1918, which required the licensing of stallions as regards their travelling or exhibition for service, but not as regards their being kept.

Veterinary Surgeons.—The needs of agriculture, the shortage of trained practitioners and the developments in preventive medicine justify a new Veterinary Surgeons Act (c. 52). Its objects are to improve instruction and to restrict unqualified practice; on this latter issue the Chancellor Committee had produced an important report in 1945 (Cmd. 6611). The Privy Council, after consulting the Royal College of Veterinary Surgeons, may by order direct that a veterinary degree granted by a specified university shall entitle the holder to be placed on the professional register and to be a member of the College. Orders may be suspended or revoked if the studies and examinations of the university fall below a proper standard. The Council of the College will supervise the courses of study and standards of proficiency expected of candidates, to ensure that persons admitted will have acquired the knowledge and skill needed for efficient practice;

it may appoint visitors to the universities who will report on the curriculum, staffing, accommodation and equipment in veterinary surgery and the general facilities; it may nominate persons to attend at examinations for a degree and to report on the sufficiency of the tests and other conditions.

In some professions such as dentistry or architecture something like a statutory monopoly has been created. So here, also, no one is to "practise, or hold himself out as practising or being prepared to practise, veterinary surgery" unless he is on the register, though there is a saving for first aid in emergency and for various minor operations listed in a schedule. What about the existing practitioners who lack the required degree? That question is answered by a saving not unlike that conceded to the "1921 dentists." There will be a Supplementary Register for an applicant who is not less than 28 years of age and can establish that he is of good personal character and that, for not less than seven out of the last ten years, his principal means of livelihood in the United Kingdom has been "diagnosing diseases of animals and giving medical or surgical treatment to animals." There is yet another saving for the employees of voluntary institutions which provide free treatment for animals; the Minister of Agriculture may grant licences if satisfied that the institution cannot otherwise obtain the services of fully trained persons. Next comes the important provision (whereof Section 40 of the Medical Act provides the prototype) for protecting the professional style and title. Anyone who, not being on the register, "takes or uses the title of veterinary surgeon or any name, title, addition or description calculated to lead to the belief that he is registered" is guilty of an offence. Anyone who, not being either on the register or the Supplementary Register, takes or uses the title of veterinary practitioner or any name, title, addition or description calculated to lead to the belief that he is a practitioner of, or qualified to practise, veterinary surgery to any greater extent than is authorised by the Act, is also guilty. Other sections deal with the Royal College, its constitution, its Disciplinary Committee, and the right of appeal to the High Court against disciplinary action, and with the arrangements for agreement between the United Kingdom and Eire. The Privy Council may give directions to the Council of the College, which must be complied with. An old-fashioned provision that the Privy Council may act by a quorum of two is presumably repeated from an earlier statute. If actually practising, qualified practitioners will be exempt from liability to serve on juries.

Education.—Just as Scotland's great new Education Act, hurriedly passed in 1945, required amendment in 1947, so the great English Act of 1944 needs adjustments in 1948. The Education (Miscellaneous Provisions) Act brings the administration of charitable trusts and endowments closer to the modern educational plan where they are partly educational and partly not—for example, if they concern youth welfare, community centres or library facilities (c. 40). Powers of the Charity Commissioners in these matters become transferable to the Minister of Education, and new schemes may be made. Among other provisions the law relating to a local education authority's power to provide clothing for pupils is amended and consolidated. The Minister is authorised to modify the statutory requirements for school premises; this will help where, for instance, a country house can be taken over.

Employment and Training.—The Minister of Labour and National Service is given fresh functions under the Employment and Training Act (c. 46). In the hortatory language of modern legislation it is declared to be his duty to provide facilities and services as deemed expedient to assist persons "to select, fit themselves for, obtain and retain employment suitable to their age and capacity," to assist employers to obtain suitable employees, and generally to promote employment "in accordance with the requirements of the community." As usual, he may appoint advisory committees to help him. He may establish and maintain employment exchanges (a function already sanctioned by the Labour Exchange Act of 1909, now superseded) to

collect and furnish information, by the keeping of registers or otherwise, respecting persons wanting work or wanting workers. He may provide training courses for persons, whether employed or not, if above the upper limit of the compulsory school age. At the joint application of the two sides in industry he may help approved schemes for promoting regularity of employment. He may make grants or loans towards the cost of the removal and resettlement of workers. Co-operating with the Minister of Education, he may arrange for a Central Youth Employment Executive, to discharge some of the ministerial functions. There is to be a National Youth Employment Council, and, in appropriate areas, there will be advisory Youth Employment Committees. Ministerial regulations may require the proprietors of school to furnish prescribed particulars of the "health, ability, educational attainments and aptitudes" of pupils leaving school; parents or guardians may see these particulars but are not allowed to have copies.

Wages.—A Wages Councils Act (c. 7*) amends the Act of 1945 as respects the machinery for establishing and regulating statutory minimum wage-rates. Incidentally it substitutes a Road Haulage Wages Council for the Road Haulage Central Wages Board created in 1938. Wages councils, it will be recalled, are the modern form of the trade boards set up in 1909.

Factory Legislation.—The law of factories was overhauled in 1937 after an interval of 36 years. An important new Act (c. 55) now follows the International Labour Conference of 1946. It extends the medical examination of young persons in factories; formerly they had to be certified fit for the employment if they went to work under the age of 16; this requirement now applies up to the age of 18 and to certain work outside factories. The safety code and the powers of enforcing the law are strengthened, and supervision is applied with better force to the "slum factory" where the premises are unsuitable in respect of safety, health or welfare. Persons intending to start a factory must tell the official factory inspector first. Former requirements of seating facilities for female workers whose work is done standing are now extended to all persons, irrespective of sex. What used to be called "examining surgeons" are now to be described as "appointed factory doctors."

Compensation for Industrial Injury.—A brief National Insurance (Industrial Injuries) Act increases the disablement benefit under the Act of 1946 (c. 42).

Industrial Assurance, etc.—As the benefits under the National Insurance Act of 1946 include "death grants," the Industrial Assurance and Friendly Societies Act (c. 39) abolishes the powers of friendly societies and industrial assurance companies to insure for funeral expenses. The Act allows insurance on the life of a parent (which includes stepfather and stepmother) or grandparent for not more than £20; such insurances must not be alienated. Friendly societies get a substituted power to insure, without special limit, the life of a member's husband or wife. The limit on the gross sums for which they may insure is raised from £300 (an amount fixed as long ago as 1908) to £500; the old maximum of £52 for an annuity is doubled. There are fresh restrictions on insuring the life of a child; nothing (except a return of premiums) may be paid if the child dies under the age of ten. Collecting societies are to provide premium receipt books for use in respect of policies of industrial insurance; the books must contain prescribed statutory information. Liability on these policies is not to be restricted or reduced on grounds of the state of health of the person insured, unless the proposer made an untrue statement of his knowledge and belief on that point or failed to disclose something known or believed by him about it. The Act makes other amendments of procedure and administration such as the audit of registered societies' accounts. Any rule of a registered society which purports to deprive persons of membership of the society by reason of their service in the naval, military or air forces of the Crown is declared void.

Legal and Judicial.—Two interesting changes are made by the Law Reform (Personal Injuries) Act (c. 41). The ill-conceived defence of "common employ-

ment," which Mr. Asquith had sought to abolish when Home Secretary in 1893 was recommended for abolition by the Lord Chancellor's Law Reform Committee in 1944 and now goes at last. Its genesis had been the decision in *Priestly v. Fowler* (1837) 150 E.R. 1030, that a servant, injured by the overloading of his master's van, could not recover damages from his master if it was a fellow-servant who overloaded it. This supposed rule, whether based on public policy or on the principle that men employed in a common work know and accept the risks to which they expose themselves, had been heavily criticised. But, though "looked at askance by judges and textbook writers," it was "too well established to be overthrown by judicial decision";[7] The judges could not "usurp the functions of the Legislature in a matter of this nature."[8] The new Act deprives the employer of this former defence. The second change arose out of the following question. While the Workmen's Compensation Acts were in force, an injured workman had an alternative remedy if he could make out a good claim against his employer by way of damages for negligence. When those Acts were being replaced by the National Insurance (Industrial Injuries) Act, 1946, was this alternative remedy to remain? A committee was set up under Sir Walter Monckton to make recommendations. The majority view was that the insurance benefits should be deducted from the damages, because in civil actions a plaintiff recovers compensation for actual loss; the trade union representatives on the committee maintained that the insurance benefits, accruing under a contributory scheme, were a right of which men ought not to be deprived. Section 3 of the new Act allows him his old alternative claim for damages, but directs the court, if the claim succeeds, to take into account, when assessing any loss of earnings or profits due to the injury, one half of the insurance benefits which he has received or is likely to receive during the five years from the time when his cause of action first arose.

A brief Supreme Court of Judicature (Amendment) Act enables the Court of Appeal to sit in as many as four divisions (c. 20); the maximum number was previously three.

Criminal Law and Procedure.—Sir Samuel Hoare's Criminal Justice Bill launched in 1938, ran into the usual storms over corporal and capital punishment. Refusing to jettison its controversial cargo, it failed to make harbour before the outbreak of the second World War put an end to its prospects. In 1948 Mr. Chuter Ede brought a similar shipload of reforms safely home. His Criminal Justice Act (c. 58) discards out of date terms such as "penal servitude," "hard labour," and prison "divisions." The words "criminal lunatic" and "criminal lunatic asylum" are euphemized into "Broadmoor patient" and "Broadmoor Institution."

The Act rewrites with improvements the law of probation and Borstal training. A court of summary jurisdiction is not to send to prison a young offender under seventeen; an Order in Council may raise this age limit to twenty-one if both Houses of Parliament so resolve. The corresponding age for assize courts and quarter sessions is fifteen. The maximum age for Borstal is brought down from 23 to 21. A court, if convicting on an indictment for felony (not being a felony for which the sentence is fixed by law) may fine the offender in lieu of any other punishment and may allow him time for payment. There is fresh law for persistent offenders. Under the Prevention of Crimes Act, 1908, a sentence of penal servitude for the particular crime had to be passed before one of preventive detention could be added; the accused had to be charged on indictment with being a habitual criminal. The new Act substitutes a direct sentence of corrective training for not less than five or more than fourteen years. The court may order that certain prisoners shall, on leaving prison, keep an "appointed society" (i.e. a welfare society approved by the Secretary of State on the appointment of the

[7]Per Lord Atkin, in *Radcliffe v. Ribble Motor Services Ltd.* [1939] A.C. at p. 223.
[8]Per Lord Wright, *ibid.*, at p. 246.

Prison Commissioners) informed of their address. A court of summary jurisdiction, if satisfied that an accused person did the act alleged, can make a reception order for his admission to an institution on the evidence of two doctors that he is of unsound mind.

Privilege of peerage in relation to criminal prosecutions is abolished; the House of Lords passed a Bill to that effect in 1935, but the Commons hesitated. If a British subject, employed under the Government of the United Kingdom in the service of the Crown, commits in a foreign country in the course of his employment an offence which, if committed in England, would be punishable on indictment, he will henceforth be "guilty of an offence of the same nature and subject to the same punishment as if the offence had been committed in England"; he can be tried and punished in any county or place in England in which he is apprehended or is in custody. The new Act does not abolish the archaic distinction between felony and misdemeanour, but it effects some degree of assimilation. On a trial for any offence on indictment, whether for felony or misdemeanour, the whole or any two or more of the jury may be sworn together, and the person assigned may challenge not more than seven jurors without cause, and any juror or jurors with cause; challenge to jurors for cause will be tried by the judge. On a trial on indictment the court may allow jurors to separate at any time before they consider their verdict. Proof of previous convictions may be established by fingerprints; a certificate given by the Commissioner of Police of the Metropolis relating to a conviction extracted from his records is (if so stated) to be evidence of the conviction and evidence that the copies of the fingerprints exhibited to the certificate are copies of those of the person convicted. A court summary jurisdiction may order the taking of the fingerprints of any person not less than 14 years old who is charged before it; a constable, in taking them, "may use such reasonable force as may be necessary for the purpose." The prosecution may give evidence by certificate of formal matters such as plans or drawings, or, in traffic offences, of such facts as the identity of the driver of a particular motor vehicle on a particular occasion or (if stated to the police at the time) of the ownership of a vehicle by a particular firm or corporation, or, on charges of theft or receiving stolen goods in the possession of railways or the Post Office; of the dispatch, receipt or non-receipt of goods or postal packets or of their condition when received. In all these cases a copy of the certificate must have been served on the accused a week before the hearing; he can insist on the attendance in court of the person who signed the certificate. The prosecution is no longer to have the last word to the jury merely because the defence has put in documents. A successful defendant or, in the Court of Appeal or House of Lords, a successful appellant may be awarded the costs of his defence or appeal. No court may henceforth impose a sentence of whipping, but corporal punishment may be inflicted, under Prison Rules framed by the Secretary of State, "for mutiny, incitement to mutiny, or gross personal violence to an officer of a prison when committed by a male person serving a sentence of imprisonment, corrective training or preventive detention." This punishment, to be inflicted only by order of prison visitors after an inquiry at which evidence is given on oath, must not exceed 18 strokes of a cat-o'-nine-tails or birch rod for a person not under 21, or 12 strokes of a birch rod for a person under that age. Thus the doctrine that corporal punishment has no deterrent value makes a remarkable concession to protect the prison warder. After some parliamentary adventures in which the hereditary Chamber could claim that its views represented the majority opinion throughout the country, the death penalty was left untouched.

Judges had pointed out the anomaly that the punishment on conviction for rape could be imprisonment for life whereas in the case of attempted rape (which might be a hardly less serious offence) it could not exceed two years. The Attempted Rape Act raises the maximum penalty for the attempt to seven years (c. 19).

Children.—As the Government were inviting married women to reinforce the

ranks of industrial workers in the national interest, the Nurseries and Child-Minders Regulation Act (c. 53) provides vicarious attention for their children. Local health authorities are to keep registers of the premises and of the persons concerned. The premises will be those where children are received to be looked after by the day "or a substantial part thereof" or for any longer period not exceeding six days, but the new law will not apply to premises wholly or mainly used as private dwellings, or to hospitals or schools, or to the homes or other institutions mentioned in Section 219 of the Public Health Act, 1936. The persons to be registered are those who for reward receive into their homes children under the age of five, to be looked after for the periods already mentioned. There are the expected provisions for refusing or cancelling registration and for the issue of certificates of registration. The local health authorities may make orders limiting the number of children to be received in registered premises, requiring precautions against exposure to infectious disease, insisting that the persons in charge shall have specified qualifications, and securing adequate staffing, maintenance and repair, feeding arrangements, medical supervision and record-keeping. Non-compliance with these orders may lead to cancellation of registration. Appeal is allowed to a court of summary jurisdiction (in Scotland to the sheriff) against the refusal or cancellation of registration or against an order imposing the requirements aforesaid. Three months after the Act comes into force the occupier of premises into which a child is received will be punishable if they are unregistered or do not comply with the requirements. After the same period the receiver of children of whom he is not a relative will be punishable if he is not registered or if he has failed to comply with the requirements, but only if the number of children exceeds two and they come from more than one household. "Relative" here means a grandparent, brother, sister, uncle or aunt, whether by consanguinity or affinity or in consequence of adoption, and as respects an illegitimate child, includes a person who would be so related if the child were legitimate. Naturally the enforcing authorities are given powers of inspection. The Act also arranges for adjustments to avoid overlapping where existing "child life protection enactments" apply.

The public conscience was stirred by the O'Neill case, reported on by Sir Walter Monckton (Cmd. 6636), where two young boys, victims of parental neglect, had been committed by a juvenile court to the care of the Newport Borough Council as a "fit person" to have charge of them and had been ill treated by the foster-parents with whom they were boarded out. Committees, over which Miss Myra Curtis and Mr. J. L. Clyde presided, subsequently reported on the care of homeless young people in England and Scotland respectively.

Accordingly a new Childrens Act (c. 43) endeavours to take better care of boys and girls up to the age of 18 or later. Where a local authority finds that a child under 17 in its area is an orphan or has been abandoned by the parents or is lost, or else the parents or guardians cannot, through mental or bodily disease or infirmity or any other circumstances, look after his accommodation, maintenance or upbringing, or where in either case the local authority thinks that its intervention is necessary in the interests of the child, it is henceforth the duty of the local authority to receive the child into its care. In certain cases the local authority may then resolve to assume the rights and powers of the parents. The parents of a child thus taken into the care of a local authority must keep the authority informed of their address while the child is under 16. The local authority must exercise its powers to further the best interests of any child in its care and must afford the child "opportunity for the development of its character and abilities." The arrangements for boarding out such children are carefully regulated. Local authorities may provide homes or assist emigration. They may become responsible for the burial or cremation of deceased children. They can (and, if required by the Secretary of State, must) provide hostels for persons under 21; they may contribute to the expense of maintenance, education or training of persons over 18. Persons who ought to contribute in respect of

children cared for by a local authority may be called upon to do so, without any statutory limit.

Voluntary homes must be registered and the Secretary of State may make regulations for their conduct. Regulations may also control the arrangements made by voluntary organisations for the emigration of children. Local authorities must establish "children's committees" and appoint a "children's officer." There are to be Advisory Councils on Child Care for England and Scotland.

National Assistance.—With the foregoing provision for "deprived" children, with family allowances and increased old age pensions now being paid, with national insurance giving cash benefits in return for contributions and with the new national health services coming into operation, the residual needs of the social programme were outdoor relief and the institutional care of aged folk and of persons needing attention outside the scope of the health services. The Elizabethan poor law had sounded less sinister when it was re-named "public assistance," but now a National Assistance Act (c. 29) is passed "to terminate the existing poor law and to provide in lieu thereof for the assistance of persons in need by a National Assistance Board and by local authorities." Folk who lead a normal life but need financial help in emergency will be looked after by the local authorities; those who need care and attention not to be obtained at home become a national charge. The National Assistance Board is the new name for the Assistance Board created under the Unemployment Assistance Act, 1934.[9] The new Board will arrange for the establishment of advisory committees throughout Great Britain. Its duty is "to assist persons in Great Britain who are without resources to meet their requirements" or whose resources must be supplemented for that purpose. The vexed question of determining whether a person is in need of assistance is left to the Board, subject to provisions for appeals. Ministerial regulations will govern the computation of requirements and resources; the regulations may deal specially with the blind and with persons who have suffered loss of income in order to undergo treatment for tuberculosis of the respiratory system. If an applicant for assistance has to provide for other members of the same household, the Board may aggregate the requirements and the resources. The assistance will take the form of money grants or, in special circumstances, may be given in kind; the conditions and disqualifications are prescribed. Appeal against refusal of grant will be to an appeal tribunal of a chairman and two other members; the Minister of National Insurance will appoint the chairman and one member, the other member will be appointed by the Board "from a panel of persons nominated by the Minister to represent work-people." There are to be re-establishment centres, provided by the Board, to give the "occupation, instruction or training" requisite to fit persons for entry or re-entry into regular employment. There are also to be "reception centres" for the temporary board and lodging of the persons whom we used to call casuals, vagrants and tramps; the Act calls them "persons without a settled way of living" and imposes on the Board the duty to influence them to lead a more settled life; persistent resort to a "designated reception centre" by a person capable of maintaining himself may lead to statutory consequences. The Board may contribute to the funds of voluntary organisations which maintain centres similar to those which will be provided under the Act.

Local authorities are to provide "residential accommodation for persons who by reason of age, infirmity or any other circumstances are in need of care and attention which is not otherwise available to them," temporary accommodation for urgent cases, and welfare services for persons blind, deaf, dumb or otherwise "substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may be prescribed by the Minister." In these welfare services a local authority may work through the agency of a

[9] That is the short title given to Part II of the Unemployment Act, 1934, which Act is now wholly repealed, though its provisions for the constitution and proceedings of the new National Assistance Board are reproduced in Schedule 1 to the 1948 Act.

voluntary organisation. For the residential or temporary accommodation there will be a standard charge which may be reduced where there is inability to pay.

The more general provisions of the new Act include the compulsory registration of disabled persons' or old persons' homes (with a right of entry and inspection) and of charities for disabled persons. In the revolutionary repeal and replacement of Poor Law Acts formerly in force in England and Scotland there are fresh provisions as to the liability to maintain wife, husband or children, the consequences of failure to maintain and the recovery of the cost of assistance from persons liable for maintenance, as well as provisions as to affiliation orders and the local authority's responsibility for the burial or cremation of the dead where no suitable arrangements are otherwise made. A clause familiar in Local Acts is now made general; it authorises the removal to hospital or other proper places of persons suffering from grave chronic disease, aged, infirm or physically incapacitated persons living in insanitary conditions, or other persons unable to devote to themselves, and not receiving from others, proper care and attention. Their personal liberty is curtailed in their own interests. Local authorities must look after the property of persons thus removed or otherwise admitted to hospitals if there is danger of loss or damage.

Local Government.—We have seen that the responsibilities of local authorities are being constantly increased, though the new national health service legislation has relieved them of liability for hospitals handed over to the Minister of Health. There is fresh legislation for their finances and their powers. The Local Government Acts of 1929 and later years set up a system of "block grants" from central funds recalculated every five years. An Act of 1946 gave interim supplementary Exchequer contributions. The Local Government Act, 1948 (c. 26) terminates the former Exchequer grants and gives to counties and county boroughs new "Exchequer Equalisation Grants"; where their financial resources are below the "standard rateable value" appropriate to them, they will get the "relevant fraction" of the difference. The standard rateable value is fixed by ascertaining the average rateable value per head of "weighted population." The weighting formula is somewhat formidable. For a county or county borough it means the population plus the number of children under 15; for a county "the population whereof divided by the road-mileage thereof is less than seventy, plus also one-third of the additional population needed in order that the population thereof divided by the road mileage thereof should be seventy." The "relevant fraction" formula, which is related to the "relevant local expenditure," is not less complex. From these mysteries, best studied in the original, we pass to Part III of the Act which alters the old system of valuation for rating in England, with its draft valuation, its assessment committees and its appeal from their decision to quarter sessions. Henceforth the valuation procedure is centralised. The Board of Inland Revenue will make the valuations; the new lists will be made in 1952. There will be a right of appeal to local valuation courts selected from panels of local people drawn up by the county or county borough. From these tribunals there will be a further right of appeal to the county court. Part IV contains technical provisions for the valuation of dwelling-houses of different classes, reference being made in some cases to the "hypothetical 1938 cost of construction" and the "hypothetical 1938 site cost," and in others to the rents paid for comparable houses on August 31, 1939. The rating of transport and electricity receives special attention. Next comes provision for the allowances made to the members of local authorities and other bodies ("financial loss allowances," travelling and subsistence allowances) with a definition of the "approved duty" which will qualify for these payments. In the miscellaneous residue of the Act there is an arrangement to substitute transfer of local authorities, stock by deed instead of by inscription. A few sections introduce into the general law or extend clauses which have had an experimental trial in Local Acts—for example, the power to subscribe to local government associations and the power to provide

entertainments, concert halls, bands or orchestras, information centres and lectures or films "on questions relating to local government."

Finance.—The Budget, confirmed in the annual Finance Act (c. 49), makes modest increases in the duties on tobacco, beer, spirits and wines and extends by four years the stabilisation of imperial preference rates on sugar. The key industry duty is extended for three years, and effect is given to obligations accepted in the Geneva Trade Agreement. The football and other pools betting tax goes up from 10 to 20 per cent. A bookmakers' licence duty is imposed on bookmaking carried on at dog race meetings where totalisators are operated. Entertainments duty is reduced for "living" performances and relief is given to rural entertainments. Adjustments are made in purchase tax. In the income tax part of the Act earned income relief is increased from one-sixth to one-fifth, the maximum being raised from £250 to £400; there are also fresh provisions in respect of life insurance premiums, profits on farming or the occupation of land, and undertakings absorbed under nationalisation schemes. The duel between the ingenuity of the taxpayer's advisers and the tolerance of the Exchequer continues; Part IV of the Act seeks to stop the loophole by which the expense allowances and the benefits in kind enjoyed by the directors and officers of a company have been escaping. A capital levy is introduced (for this year only, according to the personal undertaking of the Chancellor of the Exchequer) under the mild title of a "special contribution"; it strikes where the total income for 1947-48 exceeded £2,000 and the aggregate "investment income" (i.e. income from any source other than a source of earned income) exceeded £250. If the range is from £250 to £500 the levy is 2s. in the pound; the rate rises steeply at the higher ranges; if the excess is between £2,750 and £5,750 it is 8s.; over £5,750 it is 10s.; some complicated clauses deal with the difficulties occurring over trust income. Part VI deals with profits tax (payments of interest between connected companies, directors' remuneration, etc.); Part VII, among other alterations of stamp duties, abolishes the stamp duty on Lambeth degrees. The miscellaneous sections in Part VIII include machinery for reciprocal arrangements with oversea territories for relief from double death duty.

There is nothing unexpected in such usual measures as the Consolidated Fund and Appropriation Acts (cc. 18 and 50), the Isle of Man (Customs) Act (c. 61), the Post Office and Telegraph (Money) Act (c. 16), and the Public Works Loans Act (c. 48). An Export Guarantees Act increases the Board of Trade's guarantee under previous legislation from 200 to 300 millions, and the subsidiary guarantee "for the purpose of encouraging the participation of the United Kingdom in external trade transactions" from 15 to 30 millions (c. 54). Under the Cotton Spinning (Re-equipment Subsidy) Act the Board of Trade may make grants up to one quarter of the expenditure incurred in re-equipping or modernising approved concerns (c. 31). Naturally there is a prohibition on sale of any subsidised machinery except with the consent of the Board of Trade; this restriction will last for ten years. The Debts Clearing Offices and Import Restrictions Act, 1934, being about to expire on March 31, 1949, a new Debts Clearing Offices Act provides that the Clearing Offices will cease to exist at the date of that expiration; the Treasury will then take the necessary steps to wind up their affairs (c. 2*).

There are two unrelated amendments of the Colonial Stock Acts (c. 1*). Stock will henceforth be transferable by instrument in writing—an arrangement which had operated under temporary laws during the late war. There is to be no return to the inconvenient and cumbrous method of transfer by inscription. Secondly the Acts may be extended by Order in Council to the stock of governments and authorities "established for controlling or administering services or matters of common interest" in more than one of the colonies or territories already within the Acts—thus allowing, for instance, the East African High Commissioner to borrow on the London market.

Pensions.—The Superannuation (Miscellaneous Provisions) Act (c. 33) enables people to count towards superannuation any period of compulsory military service which interrupts the ordinary careers of civil servants, pensionable teachers or the permanent employees of local authorities. It fixes the pension rights of a former employee of an approved society, a war agricultural executive committee and certain other bodies, if he becomes a civil servant. It deals with the pensions awarded for service to His Majesty in India, and in other ways takes care of the hard cases which the rather rigid framework of the Superannuation Acts has hitherto not managed to provide for.

The Judges' Pensions (India and Burma) Act concerns European judges (c. 4*). "European"—the word occurs in the marginal notes to sections 2, 3 and 4, but not section 1—is specifically defined. Pensions are authorised for barrister judges of British India High Courts not otherwise pensionable, and supplementary pensions are given to their judicial colleagues from the Indian Civil Service as well as to the barrister judges of the Federal Court, and the High Courts of British India and Rangoon.

A Police Pensions Act (c. 24) adapts police pensions to the new situation created by the National Insurance Act and the National Insurance (Industrial Injuries) Act. The police, hitherto exempted from such schemes, will in future pay contributions and receive benefits, with some adjustment of the conditions of their pensions. The sections of the Act are mainly concerned with enabling matters to be prescribed by regulations. While the proposals were under discussion in Parliament some small success was given by the critics who prefer to see matters dealt with directly in a statute instead of indirectly by delegated legislation, and who, if regulations are subject to parliamentary control, prefer to have them approved by affirmative resolution rather than to have them merely vulnerable to attack by negative "prayer."

The Cinema.—Cinematograph Films Act (c. 23), amending the Act of 1938, aims at protecting British films and restricting monopoly. The distinction now introduced is not one between "longs" and "shorts," but between "first feature" films and others. A film is deemed to be a "first feature" film if it is the only long film shown during the normal hours in the ordinary programme, or if the daily rental of the film exceeds that of any other long film so shown, or, where the daily rental is equal to that of another long film so shown and not less than that of any other such long film, if it is the last long film exhibited. Where registered films are shown to the public in a quota period and they include films registered as long films, the "first feature" film must, on a prescribed percentage of the days when the films are exhibited, be a film registered as a British film and as an exhibitor's quota film. Where the films include films registered as short films, or long films which are not "first feature" films, they must, to the extent of at least the prescribed percentage of their total exhibited length, be films registered as British films and as exhibitor's quota films. The percentages will be prescribed by an order of the Board of Trade approved by a resolution of each House of Parliament. The Board of Trade can grant exemption or relief from these provisions to certain theatres where conditions are competitive or to itinerant exhibitors. If anyone applies under Section 9 of the 1938 Act for a licence to carry on business as an exhibitor at a theatre and it appears that he controls more than 200 theatres in Great Britain, the grant of a licence may be made conditional on his exhibiting as "first feature" films not more than six British films recommended by a Selection Committee for their entertainment value. The constitution of the Cinematograph Films Council is altered; there will be a smaller number of independent members than before and a higher number of exhibitors' representatives, British film makers' representatives and persons representing the employees of the makers, renters or exhibitors of British films. The text of the Act of 1938 is set out in a Schedule as it will stand when these and other amendments made by the Act of 1948 are incorporated.

Motor Spirit.—Britain lost the basic petrol ration in 1947 owing to difficulties

of balancing payments. A simple way to restore petrol for use by private motorists was to stop its leakage into the black market. The Russell Vick Committee's report offered the prospect of enough petrol to allow the ordinary car owner perhaps 90 miles' driving per month. As the black market was mainly supplied by the superfluous petrol of commercial users, the Motor Spirit (Regulation) Act requires commercial petrol to be coloured with special chemicals and imposes drastic penalties—deprivation of petrol in the case of a retailer and disqualification from driving and even disqualification of the car in the case of the motorist (c. 34). The garage proprietor must keep his "commercial" and "private" supplies separate, marking his petrol pumps accordingly. He must not supply the commercial petrol to a private car or have the wrong petrol in the pump. The private motorist must not have commercial petrol in his car tank or acquire it for use in his car. Finally everyone is guilty of an offence who puts the wrong petrol into a pump or car or tampers with the petrol by removing or adding the prescribed ingredients or adding any ingredients to commercial petrol "with a view to neutralising, disguising or producing any chemical change in, any of the prescribed ingredients." The mere discovery of the wrong petrol in the motorist's tank is *prima facie* evidence of an offence on the part of the owner or the person in charge of the car, though certain statutory defences are available if he can establish them.

Radioactivity.—The Minister of Supply is empowered by the Radioactive Substances Act (c. 37) to produce, buy, treat, store, transport and dispose of any such substances and to do anything expedient (including the erection of buildings) in exercise of that function. He may make orders to control their import, export or coastwise carriage; he had hitherto been able to do so under the war-time authority of the Import, Export and Customs Powers (Defence) Act, 1939, but this temporary statute might be expected soon to expire. "Radioactive substance" is defined as meaning "any substance which consists of or contains any radioactive element, whether natural or artificial." In view of the dangers inherent in the use of radium and X-ray apparatus, the sale or supply of "any substance which contains more than the prescribed quantity of a radioactive chemical element (whether natural or artificial) and is intended to be taken internally by, injected into or applied to a human being" is forbidden except for a duly qualified medical practitioner (or registered dental practitioner) who is licensed under the new Act or for a registered pharmacist or authorised seller of poisons supplying the substance under the licensed practitioner's signed and dated prescription. No one is to administer any such substance by way of treating a human being unless he is a practitioner so licensed or someone acting under the practitioner's directions. This restriction on sale or supply will not apply to wholesale or export transactions, the licensed practitioners, hospitals, clinics and nursing homes, or Government departments. As for the apparatus, no one is to use for the purpose of medical, surgical or dental treatment of human beings any "irradiating apparatus of a prescribed class or description" unless he is a practitioner so licensed or a person acting under his directions. The "appropriate Minister" (designated by Order in Council) may make safety regulations for places or premises where radioactive substances are produced, stored or used, or where irradiating apparatus is used, to prevent injury to the health of employees and to secure the safe disposal of waste products. Provisions for an advisory committee, for powers of entry and inspection and for penalties complete the new law. Before any regulations are made, the proposals must be notified; if there are objections, there will be a public inquiry.

Scotland.—Legislation affecting agriculture in Scotland has already been described. Among minor measures the Lord High Commissioner (Church of Scotland) Act increases the modest allowance for official entertainment available to the King's representative who goes into residence in Holyrood Palace during the session of the General Assembly of the Church of Scotland (c. 30).

The number of judges in the Court of Session in Edinburgh (who also act

in the High Court of Justiciary) had not been increased since 1830. An Administration of Justice (Scotland) Act raises it from 13 to a maximum (if the state of business so requires) of 15 (c. 10*). Among other small amendments the ordinary sessions of the court, hitherto fixed too rigidly by statute, are left to be prescribed by rules of court; and the right of appointing to the office of Lord Ordinary in Exchequer Causes, assigned to the Crown by an Act of 1856, is transferred to the Court of Session by which all similar appointments are nowadays made. The qualification for a "sheriff substitute," hitherto five years' standing as either an advocate or a solicitor is re-stated; practice in the one capacity may henceforth be aggregated with practice in the other; provided that the total amounts to five years or more, it will qualify.

The Public Registers and Records (Scotland) Bill was an interesting example of a technical proposal being effectively challenged on its merits. Introduced in the Lords, it proposed to discontinue the system of minute books and printed abridgements and indexes of title to land, hitherto maintained in Scotland, and to substitute a separate series of search sheets drawn up as prescribed by rules of the Court of Session. Lord Saltoun's opposition resulted in the commitment of the Bill to an expert Select Committee presided over by Lord Macmillan, whose report (Cmd. 7451) lucidly explains the Scottish system of registration of writs. The Macmillan Committee advised against the challenged proposal, and the ultimate statute (c. 57) made minor administrative changes which were not controversial.

Delegated Legislation.—Statutory instruments registered during 1948 totalled 2858, of which 1508 were "general" and 1350 were "local." The text of the "general" instruments occupied four substantial volumes; the three separately bound "Parts" of "Volume I" (an inconvenient arrangement since all three books were labelled Volume I and the page references in the index distinguished only the "Volume" and not the book) contained nearly 5,000 pages; the fourth book, the smaller Volume II, contained the orders made under Defence Regulations, many of these being revoking orders. There are over 300 pages of instruments under the Wages Councils Act. The appendix of prerogative orders contains the Order in Council approving the draft Proclamation altering the Royal Style and Titles in consequence of the Indian Independence Act. It is hardly necessary to repeat the usual warning that it is among these statutory instruments quite as much as in the parent statutes themselves that the citizen will discover the law which he is expected to obey.

2. NORTHERN IRELAND.

[*Contributed by* W. A. Leitch, Esq., *Parliamentary Counsel.*]

General.—In his inaugural lecture, as first occupant of the recently created Chair of Jurisprudence at the Queen's University of Belfast, reviewing the first twenty-five years of the Constitution of Northern Ireland, Professor F. H. Newark boldly challenged the validity of the hypothesis which is implicit in the notion of government by devolution, namely, the distinction between the national and the local. "Devolution," the distinguished lecturer pointed out, "assumes that in certain matters which are designated as local, any area on which power devolves may develop on lines of its own. But the whole trend of social legislation at the present day is towards conformity for all. In matters like national insurance, industries injuries, rent restrictions, hire purchase and the like, it is virtually impossible for Northern Ireland to fall out of line. 'Step by step' is more often than not a virtue born of necessity . . ." In the result, many countries who are members of the British Commonwealth find themselves following both in policy and in detail the legislation of the Mother of Parliaments. In Northern Ireland this tendency is especially strong by reason of the fact that the country with the rest of the United Kingdom constitutes a

single fiscal unit. Nevertheless, the broad assumption that the local Parliament simply "rubber stamps" legislation passed at Westminster is not borne out by its Annual Volume for 1948. This Volume constitutes a record since it represents the largest Volume of legislation so far produced by the Northern Ireland Parliament in a single year. Several of the Acts passed are given short titles which are similar to those of recent Westminster Acts but there the resemblance ends—a point most strikingly illustrated by a comparison of the details of the Local Government (Finance) Act (Northern Ireland), 1948, with recent Westminster legislation on the same topic. The similarity of the legislation of the two Parliaments is closest in social service matters because of the declared intention of the Northern Ireland Government that its social services should be maintained on the same standards as those of the rest of the Kingdom. From this policy it necessarily follows that the National Assistance Act (c. 13), the National Insurance (Industrial Injuries) (Amendment) Act (c. 20) and the Industrial Assurance and Friendly Societies Act (c. 22) resemble their counterparts in Great Britain, just as the Superannuation (Special Provisions) Act (c. 14) makes the same provision for former employees of approved societies, etc., who become Northern Ireland Civil Servants as was made for their cross-channel colleagues who became United Kingdom Civil Servants.

Finance. —The Finance Act (c. 15) deals with death duties and excise licence duties in much the same way as was done in Great Britain but, while Part III of the Act reduced the stamp duties payable on Articles of Clerkship for solicitors' apprentices, the heavy duties payable by Bar students on admission to their Inn of Court and on Call remain, whereas the corresponding English legislation grants relief to both branches of the profession. Under s. 6 (5) The Incorporated Law Society of Northern Ireland receives a lump sum of £25,000 in lieu of the duties formerly paid over to it each year under s. 1 of the Finance (Stamp Duties) Act (Northern Ireland), 1934, which is repealed. S. 10 deals with the practical difficulty of deciding, where property is compulsorily acquired by means of certain vesting orders, what instrument should be stamped with the *ad valorem* conveyance duty. The section requires the stamp to be impressed on the written receipt for the compensation price instead of on the vesting order. Part IV of the Act relates to entertainments duty and gives special exemptions in respect of entertainments promoted by local authorities and rural entertainments generally.

Law Reform.—Another of Professor Newark's acute observations was that a close resemblance between Northern Ireland and Great Britain legislation will mean that the decisions of each country's courts can be used impartially in statutory construction and that textbooks written on English Acts can be used with advantage in Northern Ireland. No Northern Ireland lawyer is likely to raise any objection on this ground especially as the demand for separate legal textbooks on Northern Ireland topics is unlikely to be sufficiently large to justify publication. This seems to have been the main reason why the Law Reform (Miscellaneous Provisions) Act (c. 23) adopted the exact form of words used at Westminster in the Law Reform (Contributory Negligence) Act, 1945, and the Law Reform (Personal Injuries) Act, 1948, notwithstanding that the Northern Ireland legislators must have been aware of the articles in recent periodical literature on the Contributory Negligence Act of 1945 (see e.g., Mod. L.R. July, 1946, p. 105 and, *passim*, L.Q.R. April, 1949, p. 234), and no doubt had in mind such points as those raised in the courts in *Henley v. Cameron* [1949] 65 T.L.R. 17, and *Davies v. Swan Motor Company* (*Swansea*) *Ltd.* [1949] 1 All E.R. 620. There is but one distinctive Northern Ireland feature, however: All the provisions of s. 3 of the Northern Ireland Act govern not only actions for damages but also applications in respect of a criminal injury to the person for compensation payable out of rates.

Health Services.—There is no abatement of the tendency to create more public corporations as organs of administration. In Northern Ireland, however, the

public corporation becomes the authority really responsible for administration, and not a mere appendage of a Department charged with that task, nor are the new corporations subjected to the same degree of Departmental control. From the Civil Servant's point of view the buck is well and truly passed. Thus under the Health Services Acts (Northern Ireland), 1948 (the collective title embracing the Health Services Act and the Mental Health Act) the General Health Services Board and the Hospitals Authority have much wider powers than their prototypes in Great Britain; for example, it is the Hospitals Authority and not the Minister of Health and Local Government in whom hospitals are vested. Moreover, the endowments of hospitals have not been expropriated; they are now vested in the hospital management committees, who have certain discretionary powers as to the application of the funds. The general management and control of hospitals (including mental hospitals and institutions) is made the subject of a general scheme to be drawn up by the Hospitals Authority and approved by the Ministry. Before drawing up the management schemes required by the Act for each hospital or group of hospitals, the Authority must consult the committees concerned; these schemes also are subject to the Ministry's approval.

The Mental Health Act places on the Hospitals Authority the duty "to provide or secure the provision of services designed to improve and maintain the mental health of the people of Northern Ireland" including "provision for the ascertainment, care, supervision, training and occupation of persons suffering from arrested or incomplete development of mind." This Act has been well received in psychiatric circles as being "strikingly uncomplicated in its provisions," providing an "almost revolutionary innovation."

Tourist Traffic.—The Development of Tourist Traffic Act (c. 4) establishes the Northern Ireland Tourist Board which is charged with the general duty of developing tourist traffic in Northern Ireland and encouraging persons who reside elsewhere to visit Northern Island. The Board is empowered to register catering establishments, which it may grade in accordance with such standards as it deems suitable. The Board is also made responsible for the enforcement of the registration provisions. Part III of the Act confers functions on local authorities with respect to the provision of amenities and services designed to attract tourists.

Electricity Supply.—C. 18 provides from the establishment of the Northern Ireland Joint Electricity Committee on which is imposed the duty "to co-ordinate the generation of, but not themselves to generate, electricity, and to make available to undertakers adequate supplies of electricity for the purposes of distribution to consumers." The Committee will in practice operate a pooling arrangement under which the cost of generation and transmission are shared equally over the whole country. Part II of the Act contains detailed provisions enabling development schemes to be framed by the Ministry of Commerce, and Part IV transfers to the Electricity Board for Northern Ireland the generating stations and main transmission lines constructed or acquired by that Ministry under the Electricity (Emergency Supplies) Act, 1942. Of great importance to the consumer is s. 27, under which undertakers will no longer be able to require the consumer to defray the capital cost of installing a supply to his premises, and s. 36 under which it is no longer within the power of undertakers to require the consumer to take and pay for a minimum amount of current.

Transport. —The Transport Act (c. 16) established the Ulster Transport Authority who are charged with the general duty of providing an efficient, economical and properly integrated system of rail and road transport in Northern Ireland. The Act provided for the compulsory vesting of one railway only, and transferred to the new Authority the transport undertaking of the Northern Ireland Road Transport Board. Under s. 65, however, voluntary arrangements may be entered into by the Authority for the acquisition of other transport undertakings. S. 18 (2) (c) of the Act is of interest as illustrating how the work of a draftsman in one part of the Commonwealth may materially assist another. This provision has its origin (via Appendix VIII to the report of the Joint Select

Committee on Road and Rail Transport in Northern Ireland H.C. No. 472) in a regulation made under the South Australian Road and Rail Transport Acts, 1930 and 1931, and appearing in the *South Australian Government Gazette* of May 23, 1935. The section is designed to strengthen the monopoly of public road transport conferred on the Northern Ireland Road Transport Board by an Act of 1935. Ingenious attempts were made to evade that Act and its provisions were difficult to enforce as indeed any restrictions on private haulage, short of licensing the hauliers, must be. Part VI of the latest Act sets up a Transport Tribunal for Northern Ireland which is empowered to settle the maximum charges made by all the public transport undertakings operating in Northern Ireland and under the Transport Tribunal (First Chairman) Act (c. 29) special provision is made for the appointment and superannuation of the first chairman of the Tribunal. The procedure followed before the Tribunal is, firstly, the submission by public transport undertakings of proposals for maximum charges and standard conditions; secondly, the hearing by the Tribunal of the parties interested and, finally, the settling and publication by the Tribunal of the charges and conditions. Periodic revisions of charges and conditions will be carried out by the Tribunal which is also given jurisdiction over services and facilities (including the abandonment of railway lines) provided by all public transport undertakings.

Roads.—Good road transport services cannot, however, be provided without good roads. The Roads Act (c. 28) therefore makes the Ministry of Commerce the road authority for trunk roads and empowers it to introduce a new system of trunk roads. Part II of the Act provides for the construction of new roads by road authorities, including the Ministry, and also for the adoption by county councils of schemes dealing with bridges which cross the land frontier of Northern Ireland. Northern Ireland, of course, is unique in being the only part of the United Kingdom which has a land frontier—the existence of which gives rise to problems of its own. Other provisions of Part II replace previous enactments governing the classification of roads, while Part III deals with the adoption and abandonment of roads by local authorities. Part IV provides for the improvement of roads and the prevention of danger to persons using them.

Housing.—It is a sign of the times that Housing Acts become almost as regular as the Expiring Laws Continuance Act. (This year the latter is c. 21). Chapter 9 is very much a miscellaneous housing enactment. S. 1 widens the definition of "workers" in the housing code so as to include all persons "working under any contract (whether written or oral, expressed or implied) of service or apprenticeship, whether such persons are remunerated by salary or by wages." In future financial assistance may be given by both state and local authority towards the provision of houses for all persons within that definition whether or not their collars be white or their coats black. S. 2 enlarges the protection from disqualification from office given by s. 8 of the Housing Act (Northern Ireland), 1929, to members and officers of local authorities who accept facilities under the Housing Code from bodies of which they are members or employees. S. 3 consolidates, with minor amendments, the existing statutory provisions relating to the powers of a local authority to borrow for housing purposes and, happily, repeals some thirteen other enactments. S. 4 provides that the Rent Restrictions Act of 1940 is not to apply to houses owned by the Irish Sailors' and Soldiers' Land Trust. Rural housing is the subject of the Housing on Farms Act (c. 2) which authorises the Ministry of Health and Local Government to make grants for the provision of new farm houses, the provision of houses for approved agricultural workers, and for the reconditioning of houses to be used as farm houses or approved workers houses. The Small Dwellings Acquisition Act (c. 6) removed certain restrictions on the making of loans by local authorities to persons acquiring houses for themselves. The Valuation Acts Amendment Act (c. 10) postpones to 1954 the second general revaluation of rateable property. In Ireland valuation for rating purposes has long been a function of the central government but it has only recently been made so in Great Britain and the system of appeals

remains different. Pending the general revaluation, valuation figures will, by virtue of s. 2 of the Valuation Acts Amendment Act (Northern Ireland), 1946, continue to be based on the 1939 rental value unless this is greater than the rental value at the date of the revision.

Industrial Development.—The Development Services Act (c. 25) enables financial assistance to be given and other measures to be taken to provide for services which are considered necessary in the public interest or desirable for the development of any area or for the improvement of any service provided by a local or public authority. The Act also enables grants to be made for bringing derelict land into use and for the development of derelict areas generally. Less sweeping provisions will be found in the Industries Development (Amendment) Act (c. 26), the main purpose of which is to transfer from the Ministry of Finance to the Ministry of Commerce the responsibility for the administration of industrial development loans. S. 4 keeps alive certain powers of local authorities to grant exemption from rates to new industries.

Miscellaneous.—The Elections and Franchise (Amendment) Act (c. 7) amends the Parliamentary and Local Government Elections Act (Northern Ireland), 1930, and the Elections and Franchise Act (Northern Ireland), 1946, with respect to personation agents, qualifications of electors, publication of registers, and the place and expenses of election. The Government Loans Act (c. 8) consolidates in s. 1 existing provisions with respect to the purposes for which loans may be made from the Government Loans Fund. S. 2 increases the aggregate amount of the advances which may be made from that Fund and s. 4 extends the powers of the Ministry of Finance to borrow temporarily sums required for the purposes of making Government loans. The Diseases of Animals (Poultry) Act (c. 1) made provision for applying the Diseases of Animals Acts to poultry and for the protection of live poultry from unnecessary suffering. Finally, the Solicitors Act (c. 27) enabled The Incorporated Law Society to increase the fee payable to them on the issue of a solicitor's certificate to practise.

Conclusion.—It cannot be said that in 1949 the Northern Ireland legislative machine ground slowly; indeed because of its exceeding speed one must fear it may not have ground exceedingly well. Nevertheless, the variety of subjects dealt with and the distinctive manner in which they have been dealt with suffice to show that Northern Ireland at any rate believes there are certain advantages in being able to deal with her own problems in her own way. This may be one answer to Professor Newark's challenge.

3. ISLE OF MAN.

[*Contributed by* His Honour R. D. Farrant.]

The activity of the Insular Legislature is reviving since the end of the War.

There were 38 Acts of Tynwald passed and promulgated in ancient form on Tynwald Hill.

A résumé of those of public interest follows:

Criminal Law.—By the Administration of Justice Act power was given by the Court to order actions to be tried by a Jury which may, in discretion of the Judge, be otherwise tried without a Jury, and provision was made for their remuneration at 21*s.* a day plus travelling expenses.

Provision was made for the punishment of attempted rape.

Aliens.—By the Aliens Restriction Act the Governor was given power to prohibit the landing in, or embarking from, the Island of aliens, and to impose restrictions on their residence and otherwise to regulate their abode or possessions whilst in the Island.

Agriculture.—Power was given to the Insular Board of Agriculture and their

Inspector to regulate and certify the exportation of horses from the Island until examined, except thoroughbreds certified by the Jockey Club to be used for breeding.

By the Agricultural Marketing Act and the No. 2 Act provision is made for orders of the Board controlling prices of cattle, sheep, poultry, wheat, barley, oats, rye, hay, straw, turnips, potatoes and sugar-beet.

Fisheries.—By the Fishery Act, 1948, provision is made for the framing and approval of schemes relative to kippered herring by the Board of Agriculture and Fisheries.

Infirmary.—By the Poor Relief Act, 1948, the functions of the Mental Hospital Board were transferred to the Board of Social Services, which shall manage the Infirmary as the Poor Asylum is now called, and various other amendments are made.

Diseases of Animals.—By the Isle of Man Diseases of Animals (Prevention) Act, 1948, the Isle of Man Board of Agriculture and Fisheries is given power to make orders to prevent the introduction and spreading of disease amongst animals, and preventing the export of diseased or suspected animals, imposing penalties on anyone who brings a diseased or suspected animal into a market. It provides for the appointment and powers of Inspectors to carry out duties and penalties for obstructing them.

Harbours.—By the Isle of Man Harbours Act, 1948, a Board to be called the Isle of Man Harbour Board was created to take over the powers and duties relating to the harbours of the Isle of Man in place of the Commissions set up by the Act of 1882 thereby repealed the new Board to consist of 5 members of Tynwald and to hold office for three years. Provisions were made for regulations to be made by the Board and for its constitution and procedure, and providing it with powers for the purchase and acquisition of land for making, extending and maintaining harbours, piers, quays, wharves, bridges and lighthouses, and for any such purposes, or the approaches thereto. Power is taken under the Imperial Act of 1947 and authority by the Commissioners setting up the Board and vesting the functions, property, rights and liabilities of the Commissioners and those of the Receiver-General in the Board and repealing the Manx Act of 1882.

Board of Social Services.—By the Poor Relief Act of 1948 the functions of the Mental Hospital Board under the Poor Relief Acts are transferred to the new Board of Social Services, and various provisions are made as to their accounts, reports and estimates, and powers to compulsorily acquire land for the purpose of fulfilling their powers and duties.

By the Isle of Man Board of Social Services Act, a Board is appointed by that name to consist of 12 persons of whom 7 shall be members of Tynwald, 2, of whom 1 shall be a woman, and 1 each shall be nominated by the Governor and be elected by the Employers' Federation and by the Transport and General Workers' Union and by the Isle of Man Medical Society to hold office for three years. Provision is made for regulations as to procedure and for power to acquire land. Reports of the Board and Committee are to be laid before Tynwald.

By the Social Services Act, 1948, the Board may provide Residential Homes for aged, infirm and destitute persons, and may recover from any person legally liable to maintain them all, or part, of the cost, and may act as trustees and accept gifts from anyone. Charity Commissioners are constituted consisting of the two High Court Judges, whose procedure is to be determined by themselves, and they may certify legal proceedings by the Attorney-General to prosecute. The Charity Commissioners may sanction the purchase, exchange, or lease of lands, or amalgamate or extend any charitable trusts, or may expend any part of the capital in the purchase of lands, or providing or endeavouring and contributing towards the residential homes or in their reconstruction, enlargement or improvement, and provision is made for the acquisition of land by compulsory purchase.

By the Isle of Man Board of Social Services Act, 1948, the Board is vested with

the responsibility of administering all matters of National Insurance Pensions, of Family Allowances and benefits to blind persons.

Agricultural Rates.—By the Rating and Valuation Act, 1948, the Agricultural Rates Act, 1929, was repealed, and provision made for a new Valuation Act and special provision made for the assessment of certain buildings occupied in parts of hereditaments containing machinery and plant, and agricultural land and buildings were totally exempted from payment of rates. Certain adaptations of enactments relating to water rates and drainage rates, and as to the qualification of jurors and special jurors, were made. Provisions are made for the making up by Tynwald of losses suffered by the Rating Authorities by reason of the total exemption of agricultural hereditaments from rates, and the enactments of the Agricultural Rates and Improvement Act, 1934, shall cease to have effect.

Rates.—By the Rates Act, 1948, the collection of rates levied under the Poor Relief Acts, the Valuation Acts, the Highway Acts, the Advertising Acts, the Isle of Man Electric Light and Power Acts, the Agricultural and Rural Industries Acts, the Burials Act, the Local Government (Fires) Act, the Mental Diseases Act, were transferred to the Assessment Board, and provisions were made for the appointment of 5 members of Tynwald to hold office for three years at a time to act on such Board.

Highways.—By the Highway Amendment Act, 1930, provision is made for payment out of the Insular Revenue of 75 per cent. of the cost of reconstruction and annual maintenance of first-class roads, 60 per cent. of the cost of reconstruction of second-class roads and 50 per cent. of the cost of reconstruction of third-class roads.

Health Services.—By the Isle of Man Health Services Board Act, 1948, the name of the existing Mental Hospital Board was changed to Isle of Man Health Services Board, and certain amendments of the existing regulations as to the Board were made.

By the National Health Services (Isle of Man) Act, 1948, the Isle of Man Health Services Board was entrusted with promoting the establishment in the Isle of Man of a comprehensive health service designed to secure improvement in the physical and mental health of the people of the Isle of Man and the prevention of illness, the effective provision of services therefor, free of charge. Further provision is made for the constitution of a Health Services Advisory Council appointed by the Board in accordance with the Act. Power was given to the Board to provide hospital and specialists' services, and the transfer of some existing hospitals to the Board. Provision is made for the recovery of expenses by a hospital from private patients who are provided with private accommodation, and for arrangements for the remuneration of medical attendants on such patients. Provision is made for the preparation of schemes for the provision of hospital and specialist services in the Island and in the United Kingdom, and the number of consultants and specialists resident or visiting therein, the extension of existing or provision of new buildings, and the provision of pathological and bacteriological and blood transfusion services. The Board shall prepare schemes for carrying out these duties, and undertake and serve the same on any voluntary association which provide services. The Board shall also provide, equip and maintain health centres for general medical, dental and pharmaceutical services, and any others required, and for the publication of information as to health and disease. The Board may provide or contribute to the care of expectant and nursing mothers and of children under five, and may contribute to any voluntary organization or make charges for their services. The Board may be the supervising authority in place of the Local Government Board for Nurses and Midwives. The Board may appoint health visitors for visiting persons in their homes. The Board may make arrangements for vaccination and immunization against smallpox and other disease. They may make provision for ambulance service, for the prevention of illness, for care or after-care of persons and domestic help. A Medical and Dental Services Com-

mittee called the Services Committee of 10 members is set up to exercise functions with respect to the provision of services under the Act. The Services Committee shall make arrangements with medical practitioners giving medical service to every one in the Island who wishes to take advantage of it. Arrangements are made for the distribution of such medical services; the sale of medical practices is prohibited, and compensation is to be paid by Tynwald for any loss suffered thereby. Provision is made for the remuneration to be paid for general medical services. The Board shall provide pharmaceutical, dental and ophthalmic services and practitioners, and is given power (subject to appeal to the Chancery Division) to disqualify a practitioner from practice if they are satisfied it would be prejudicial to the efficiency of the services. Powers are conferred on the Board to make arrangements to meet the situation where they are satisfied the services of medical, dental or pharmaceutical services are inadequate. The expenses of voluntary hospitals may be contributed to by grant from Tynwald. Yearly estimates and reports are to be submitted to Tynwald. Provision is made for the compulsory acquisition of land, and for the acceptance of gifts and for the qualifications, remuneration and superannuation of officers.

National Insurance.—The National Insurance (Isle of Man) Act, 1948, extends the system of National Insurance, providing pecuniary payments by way of unemployment benefit, sickness benefit, maternity benefit, retirement pension, widowers' benefit, guardians' allowance and death grant, repealing and amending the existing enactment relating to National Health Insurance, widows', orphans' and old age contributory pensions and non-contributory old age pensions, and arranging for the making of payments towards the cost of a National Health Service and for purposes connected with the matters aforesaid.

By the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948, there was substituted for the Workmen's Compensation Acts, 1919 to 1946, a system of insurance against personal injury caused by accident arising out of and in the course of a person's employment and against prescribed diseases and injuries due to the nature of a person's employment and for purposes connected therewith.

Rent Restrictions.—The question of the letting of dwelling-houses was further dealt with by the Rent Restrictions Act, 1948; six former Acts were repealed and a consolidated and amended Act was substituted bringing the law up to date with the law in England and re-enacting the law contained in the repealed Acts with amendments.

By the Furnished Houses (Rent Control) Act, 1948, any actual party to a contract to let furnished all or part of a house, or the Local Government Board, may refer such contract to the Assessment Board, who may confirm, increase or reduce the amount of the rent contracted for, and provide for the continuation of the letting for and up to twelve months thereafter subject to regulations.

Purchase Tax.—Certain amendments were made in the Purchase Tax Act, 1948, which are set out in the Act and are specified in the schedule. Provisions are enacted relating to the exportation of horses and diseases of animals by the Acts bearing those titles.

Trustees.—The Trustee Act, 1948, contains several amendments of the law relating to Trustees. These include powers to appoint new or additional Trustees and supplementary provisions thereto, retirement of a Trustee without a new appointment, vesting of Trust property in new or continuing Trustees, and certain powers given to the Court in relation thereto.

4. EIRE.

[*Contributed by* A. Denis Pringle, Esq., K.C., *Senior Counsel.*]

In contrast to the previous year, the number of Acts passed in 1948 was unusually small, consisting of twenty-four, few of which were of general interest. On the

other hand, the year was notable for the passing of the all-important Republic of Ireland Act (No. 22), which did not however come into force until April 18, 1949. By repealing the Executive Authority (External Relations) Act, 1936, and by providing that the description of the State should be the Republic of Ireland, the Republic of Ireland Act set at rest all doubts which may have existed as to the constitutional status of the country. The Act also provided that the President, on the authority and on the advice of the Government, might exercise the executive power or any executive function of the State in or in connection with its external relations. By the Act of 1936 it had been enacted that, so long as the country was associated with the members of the British Commonwealth of Nations, and so long as the King, recognized by those nations as the symbol of their co-operation, continued to act on their behalf for the purposes of the appointment of diplomatic and consular representatives and the conclusion of international agreements, the King so recognized might, and was thereby authorized, to act on behalf of the State for the like purposes, as and when advised by the Executive Council so to do.

Social Welfare.—The Social Welfare (Reciprocal Arrangements) Act (No. 10) entitles the Minister for Social Welfare, with the consent of the Minister for Finance, to make with the proper authority of any other country, reciprocal or other arrangements, in respect of matters relating to National Health, Unemployment and Widows' and Orphans' Pensions, Insurance, and Workmen's Compensation. The Social Welfare Act (No. 17) makes substantial increases in Old Age Pensions, National Health Insurance benefits, Unemployment Insurance benefits and Widows' and Orphans' Pensions. In the case of Old Age Pensions, the maximum rate per week is raised to 17*s.* 6*d.*, persons with £52 5*s.* or less are eligible for a pension, and blind pensions are payable to persons over twenty-one instead of over thirty years of age. The Workmen's Compensation (Amendment) Act (No. 23) increases the maximum weekly payment under the 1934 Act from 30*s.* to 50*s.*

Local Government.—The Local Government (Sanitary Services) Act (No. 3) constitutes an important addition to the Public Health Code. It deals with drainage, water supply, temporary dwellings and use of land for camping, baths, wash-houses, bathing-places, etc., and disposal of bodies. Sanitary authorities, in addition to wide powers of making drainage and water-supply orders, are empowered to prohibit the erection or retention of temporary dwellings (*i.e.* tents, vans, sheds or vessels) on any land or water in their district, and they are also given certain powers of control of the use of land for camping purposes for more than eighteen consecutive days or thirty-six days within a period of twelve months. Sanitary authorities are also empowered to provide public baths or bathing-places, wash-houses, etc., life-guards and life-saving equipment and instruction in swimming and life-saving, and to make by-laws for the regulation of public bathing and baths, etc., maintained by them, or by other persons, and to which the public are admitted, either free of charge or otherwise. Under Part VII sanitary authorities are given power to provide facilities for games or other recreation, and to take such steps as are reasonably necessary to prevent injury to public health or the amenities of any locality by reason of obstructions in any river or watercourse. The Act also provides that, in any prosecution thereunder, the onus of proving the existence of a permit, licence or exemption shall be on the person seeking to avail himself thereof.

Housing.—The Housing (Amendment) Act (No. 1) is a comprehensive Act, containing important amendments to the existing Housing, Housing of the Working Classes and Labourers Acts. S. 8 prohibits the demolition, in whole or in part, or the use otherwise than as a dwelling-house, of any "habitable house," without the permission of the housing authority or, on appeal, of the Minister for Local Government, but the section does not apply to a habitable house occupied and used prior to the passing of the Act otherwise than as a dwelling-house, nor

to a case where such demolition or use is required or authorized under any enactment or for any statutory purpose. S. 11 prohibits, after July 1, 1948, a person from permitting premises to be used as a " multiple dwelling " without the permission in writing of the housing authority. " Multiple dwelling " is defined as " premises let in parts to form two or more dwellings." Conditions as to repair, maintenance, number of dwellings and number of persons to occupy the premises, may be attached to any permission given by the housing authority, and a person aggrieved by the refusal of permission, or a condition attached thereto, may appeal to the Circuit Court. Housing authorities are given authority, for the purpose of determining the rent to be paid by a person to whom they have let, or are about to let, a house or other accommodation, to furnish particulars as to his family income, means of transport available, etc. The Minister is empowered to make regulations under the Housing of the Working Classes and Labourers Acts, providing for the maximum and minimum number of persons who may occupy such houses, the reservation of houses for occupation by persons of a certain class, the method of selection of tenants, and the classes of persons to whom preference shall be given, and the terms and conditions to be inserted in any agreement for the letting of such houses. The expression " agricultural labourer " in the Labourers Acts is extended to include any man who (*a*) is normally engaged in doing agricultural work on the land of a relative and (*b*) resided with that relative when he applied for, or became tenant of a cottage under the Acts. County Councils are given new powers of entry on lands proposed to be acquired compulsorily for the purposes of the Labourers Acts.

Finance.—The Finance Act (No. 12) continues income-tax at 7*s.* in the £ and sur-tax as before. An agreement with the British Government amending the Double Taxation Relief Agreement of 1926 is confirmed. The effect of this agreement is that the tax in respect of which a rebate can be claimed is " the net United Kingdom rate " as defined in the British Finance (No. 2) Act, 1945.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[*Contributed by* Dr. Maurice Ollivier, K.C., *Law Clerk, House of Commons, Ottawa.*]

The Fourth Session of the Twentieth Parliament began on December 5, 1947, and closed by Prorogation on June 30, 1948. Of the 383 Acts passed and comprised in the Statutes of 1947–8, 78 were public Acts and the remainder were private Acts. Thirteen of the private Acts related to insurance, telephone, trust or other companies or to religious or benevolent associations, and 292 were divorce Acts.

Agriculture.—The Agricultural Products Act, which had been passed in 1947 for the purpose of enabling the Government of Canada to provide for the sale and export of food supplies to distressed countries, was amended by c. 1 to continue it in force till March 31, 1949.

An Act to amend the Canadian Wheat Board Act, 1935 (c. 4), was passed for the following purposes: (*a*) to make provision for the pensions of employees of the Wheat Board; (*b*) to make provision for the increase of the fixed minimum price payable to producers selling and delivering wheat to the Board; (*c*) to extend the control of inter-provincial movements of wheat to wheat products; and (*d*) to empower the Governor in Council, by regulation, to extend to oats or barley the system now employed in handling wheat.

The operation of the Farm Improvement Loans Act, 1944, which normally would have expired on February 29, 1948, was extended for a further three years by c. 9.

C. 11, which is an Act to amend the Animal Contagious Diseases Act, provides

for a different procedure in the enforcement of penalties against persons conspiring to violate any of the provisions of the Act.

The main purpose of c. 24, an Act to amend the Prairie Farm Assistance Act, 1939, is to provide that the Act may apply to areas surveyed as settlement or river lots in the same way as it applies to areas surveyed as townships. Another amendment was also made to the Act by c. 25 with respect to the superannuation of certain officers.

The purpose of c. 32, an Act to amend the Agricultural Prices Support Act, 1944, was to continue in force certain provisions of the Act which, through a technicality, expired on March 31, 1948.

An act was passed (c. 61) entitled the Maritime Marshland Rehabilitation Act to provide for the reclamation and development of marshlands in Nova Scotia, New Brunswick and Prince Edward Island.

Civil Service.—C. 44 being an Act to amend the Diplomatic Service (Special) Superannuation Act provides for the return to a public official who retires or resigns before earning a pension of his contributions formerly forfeited to the Crown.

Criminal Code.—C. 39 amends the Criminal Code by defining a " disorderly-house," by providing what shall constitute evidence of neglect to supply necessaries, and by providing for the crime of infanticide. A new section in the Act is designed to prevent the fraudulent manipulation of transactions on the Stock Exchange. The Act provides further for many amendments in the procedure under the Code, more especially does it deal for the summary trial of certain indictable offences, and removes from the Code that part which applied to the trial of juvenile offenders for indictable offences. Finally the amending Act provides for indeterminate sentences in connexion with sex offences.

Elections.—C. 46, an Act to amend the Dominion Elections Act, 1938, contains numerous amendments to the main Act to improve its operation. These changes were recommended by the Special Committee on the Dominion Elections in their final report dated July 3, 1947.

Exchange Conservation.—The Emergency Exchange Conservation Act (c. 7) contains emergency measures for the conservation of Canadian foreign exchange resources by forbidding the import of certain goods enumerated in the First Schedule to the Act and by providing regulations governing the issue of permits under special conditions for goods enumerated in Schedules II and III.

C. 48 being an Act to amend the Emergency Exchange Conservation Act makes a number of changes in the list of items subject to import control.

Evidence.—C. 33 being an Act to amend the Canada Evidence Act enumerates the different cases where a wife or a husband is a competent and a compellable witness for the prosecution in criminal cases.

Export and Import.—The Act to amend the Export and Import Permits Act (c. 16) continues in force the Act of 1947 until March 31, 1950, and provides that the Governor in Council may establish a list of countries for which export permits will be required.

Foreign Exchange.—The Act to amend the Foreign Exchange Control Act was passed to close a loophole in the main Act, so that all its provisions should have extraterritorial effect in so far as they relate to transactions by Canadian residents.

Gold Mining.—The Emergency Gold Mining Assistance Act (c. 15) provides for emergency payments to assist in meeting the increased cost of production of gold. The Act provides specially to whom and under what conditions the Minister of Mines and Resources may make the assistance payments; also for amounts payable and for what periods of time they may be payable.

Industrial Relations and Disputes.—C. 54 replaces the former Industrial Disputes Investigation Act, and provides procedures and conciliation machinery to deal with industrial disputes over which the federal parliament has jurisdiction. The essential purpose of the legislation is to create conditions favourable to the free exercise of collective bargaining between employers and employees.

Loan Companies.—The Act to amend the Loan Companies Act (c. 57) was passed to amend the main Act of 1927 mainly in respect to the powers of investment and the power to borrow money. S. 2 of the amending Act makes the general provisions apply in their entirety to loan companies regardless of the date of incorporation.

National Housing.—The National Housing Act was amended by c. 63 to authorize lending institutions to purchase from Central Mortgage and Housing Corporation mortgages held by the said Corporation and to make loans to owners of rental housing projects not exceeding in amount 85 per cent. of the estimated cost thereof, and for other purposes.

National Parks.—The purpose of the Act to amend the National Parks Act (c. 18) is to consolidate into one Act the descriptions of the National Parks of Canada and to provide for the publicity of the regulations made under the Act.

Natural Resources.—The Manitoba Natural Resources Transfer (Amendment) Act, 1948 (c. 60), confirms an agreement between Canada and Manitoba.

In July 1947 the Government of Manitoba appointed a Commission to inquire into matters relating to water power in Manitoba. In March 1948 the Commission recommended, among other things, the consolidation in a single Provincial agency of exclusive responsibility for the development and operation of all hydro-electric power plants in Manitoba. To carry out this recommendation, the Government of Manitoba considered it desirable to enact legislation with respect to the expropriation of any property, works, plant, lands, easements, rights, privileges, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, development or transmission of electrical power and energy in Manitoba, or in the taking, use, diversion, storage or pondage of water for any of the said purposes.

To remove any doubt as to the power of the Government of Manitoba to do so, an amendment was required to clause 2 of the Manitoba Natural Resources Transfer Agreement.

The necessary amendment to s. 2 has been embodied in an agreement between the Government of Canada and the Government of Manitoba, which was approved by Order in Council P.C. 1719, dated April 17, 1948, and which appears as a schedule to the Bill. This agreement has been confirmed by the Legislature of Manitoba (Bill No. 109 of 1948).

North-west Territories Power Commission Act (c. 64).—The Act respecting the supplying of Electrical Power in the North-west Territories was passed to facilitate the construction and operation of power plants in the North-west Territories for mining and other interests.

Peace Treaties.—The Peace Treaties Act, 1948 (c. 71), is an act to provide for carrying into effect the Treaties of Peace between Canada and Italy, Roumania, Hungary and Finland. Canada did not take part in the peace negotiations on the subject of the Peace Treaty with Bulgaria.

Pelagic Sealing.—The purpose of the Pelagic Sealing (Provisional Agreement) Act (c. 21), is to carry out Canada's obligations under the Provisional Fur Seal Agreement made between Canada and the United States of America.

Royal Canadian Mounted Police.—By c. 28 the R.C.M.P. Act is amended to provide new schemes of pensions for all members of the Force.

Shipping.—C. 35 is an Act to amend the Canada Shipping Act, 1934. The amending Act contains a number of amending sections to the main Act of 1934. Miscellaneous matters are dealt with under five headings. The *first* has to do with certification of officers, the *second* with shipping of seamen, the *third* with steamship inspection, the *fourth* with a new section to the Act (fatal accidents), and the *fifth* with the approval of certain international conventions which were passed at Seattle in 1947.

Statistics.—The Statistics Act (c. 45) was passed to replace the old Statistics Act, setting up the Bureau of Statistics as the central statistical organization of

Canada, which had originally been enacted in 1918. The new Act repeals the ol one and replaces it by a Statute which more accurately describes the present fun tions of the bureau and the statutory authority under which it operates. Th bureau has grown considerably since its creation, having now 1,200 employees an issuing regularly close to 500 regular publications.

Statutes.—An Act respecting the Revised Statutes of Canada (c. 67) was measure to establish a commission to effect the revision of the laws of Canada sinc 1927. The work of the Commission is expected to last three years.

Unemployment Insurance.—The Act of 1940 is amended by c. 29 to enlarge i scope, to clarify certain provisions thereof, more especially in relation to contribu tions, procedure, offences and penalties, and to provide further for modification i the rates of contributions, with the object of equalizing, to some extent, the tot contributions payable by employers and employees.

Veterans.—The Pension Act is amended by c. 23 so as to authorize increases the basic rates of pensions.

The War Service Grants Act, 1944, is amended by c. 31 to provide for th abolition of the Board of Review.

The Veterans Insurance Act is amended by c. 72 so as to qualify certain men bers of the permanent forces and certain seamen as veterans for the purposes insurance under the Act.

The Veterans Rehabilitation Act is amended by c. 73 to extend and clarify th eligibility section of the Act.

The War Veterans Allowance Act, 1946, is amended by c. 74 to extend th provisions of the Act to neglected children of a deceased veteran, or to veterai with dependent children in special circumstances; also to allow for increased pe missible incomes, and finally to provide supplementary allowances.

Vocational Training.—C. 30 amends the Vocational Training Co-ordination Ac 1942, and permits training for employment to be provided to unemployed perso in suitable cases, whether or not the prospective trainee is an insured person.

2. ALBERTA.[1]

Department of Lands and Forests.—C. 2 is a new Act. The Department Lands and Forests is one of two new Departments which are being set up to repla the present Department of Lands and Mines. The provisions of this Act a practically the same as the present Department of Lands and Mines Act.

Department of Mines.—C. 3 is a new Act. The Department of Mines is one two new Departments which are being set up to replace the present Department Lands and Mines. The provisions of this Act are practically the same as the pr sent Department of Lands and Mines Act.

Agent-General.—C. 4 is a new Act. This Act provides for the appintment of person to act as Agent-General for Alberta who shall hold office during pleasu It is the duty of the Agent-General to act as representative and resident agent Alberta in the United Kingdom. The Act authorizes the acquisition of premis and other necessary property with the approval of the Lieutenant-Governor Council.

Workmen's Compensation.—C. 5 amends and consolidates the existing Act, c. of the Statutes of Alberta, 1943, which is repealed by this Act. The materi changes from the 1943 Act include a provision that the Board may proceed to he and determine all questions arising under the Act with or without notice to t parties interested.

It also provides for the establishment, etc., being brought under the Act on t application of a majority of the workmen employed therein, but excludes from th privilege outworkers and persons employed in an industry of an itinerant natu

[1] Based on a synopsis prepared by W. S. Gray, Esq., K.C., Legislative Counsel.

assessment with regard to which it is impracticable or difficult to collect, while casual workers employed otherwise than for the purposes of the employer's trade or business and farm and ranch employees can only be brought under the Act with the consent of the employer.

To the authority of the Board to enter premises of employers is added " whether the working conditions, including sanitation and ventilation, are safe or for any other purpose which the Board may deem necessary," replacing the following words in the Act formerly in force: " and whether the sanitary and health conditions are proper, or for any other purpose which the Board may deem necessary for the purpose of determining the proportion in which the employer should contribute to the Accident Fund." Subsection (5) of s. 15 of the Act formerly in force provides for a payment to the Accident Fund by an employer in cases where an accident is in the opinion of the Board due " entirely " to the failure of the employer to comply with the directions of the Board or regulations. This is changed in subsection (5) of s. 15 of the Act to read " entirely or mainly."

Subsection (4) of s. 19 of the Act is new. Subsection (1) of this section provides that compensation shall be paid where personal injury by accident "arising out of and in the course of employment " is caused to a workman. The new subsection (4) provides that if one of these conditions exists the other one is presumed to exist unless the contrary is shown. The first proviso to subsection (6) of s. 19 of the Act extends the time for filing proof of an accident, etc., with the Board to three years, and the Board may award compensation upon certain conditions being complied with.

S. 24 in subsections (4) to (8) deals with a case where a workman entitled to compensation under the Act also has a cause of action against a third person. In such cases the Board is subrogated to the rights of the workman. Subsection (8) is new and authorizes the Board, upon settlement of any such claim, to release the person from liability in respect of the injuries to the workman. Subsection (9) is also new, and provides that if the Board receives from the third person more than sufficient to pay the Board the amount of the cost of the accident to the Board, it may retain the surplus or pay it to the workman or his dependants upon the terms stated in the subsection, namely, a release of the Board from all claims in respect of the accident.

Subsection (7) is new and authorizes the Board, in cases where the employer has failed to make the required report, to make a special investigation of the accident and to charge cost of same to the employer. Subsection (10) is also new and provides that mere payment by the Board of a medical account of an injured workman shall not be considered a claim by the workman or acceptance of a claim by the Board.

S. 34 of the Act deals with the compensation payable in cases of permanent total disability. Paragraphs (*b*) and (*c*) are new and give the Board wider scope in awarding compensation by taking into account the average earnings of the workman in other industries to which the Act applies. Similar provisions are made with respect to permanent partial disability.

Blind Workmen's Compensation.—The purpose of c. 6 is to encourage the employment of blind workmen in certain occupations without the Accident Fund maintained by the Workmen's Compensation Board being fully liable for all the compensation which may become payable as the result of accidents. The Canadian National Institute for the Blind is to determine the nature of the work that a blind workman may do and the proper placement of the workman. When the compensation, etc., payable to the blind workman as the result of an accident exceeds $50 the excess will, in the ordinary case, be paid or refunded to the Accident Fund out of General Revenue. In cases where by arrangement the employers themselves pay the compensation to their workmen, the said excess is paid out of revenue to the employer.

Dower.—The Land Titles Act was passed to give certainty to title to estates in

land and to facilitate the proof thereof. The former Dower Act partially defeats the purpose of the Land Titles Act by giving rise to uncertainty to title by creating an unregistered interest in land which frequently cannot be discovered and which may override a title obtained on reliance upon the register. The Courts have had to deal with numerous cases on the Dower Act, many of which arose due to the conflict in principle between it and the Land Titles Act.

The reason for the conflict between the two Acts was the provision that a transfer of a homestead made without the wife's consent was null and void for all purposes. The principal change made in c. 7 is that the section making such a transfer null and void for all purposes is removed, thereby removing the conflict with the Land Titles Act.

In lieu of making such a transfer null and void for all purposes, such a transfer is prohibited under penalty.

Under the old Act the wife had a right of action to have the land taken away from the first purchaser under such a transfer and revested in her husband, and the first purchaser had a right of action against the Assurance Fund for damages for the loss of the property purchased by him.

Under this Act the first purchaser obtains a valid title. Accordingly, the wife has no right of action to have the land revested in her husband. Instead of this the wife is given a right of action against her husband for her loss which is fixed by the Act at one-half the value of the property transferred without her consent. If the judgment against her husband is unsatisfied, she may recover the amount of the judgment from the Assurance Fund.

The other major change effected by this Act is that the Act is now applied equally to both husbands and wives. That is, a husband has the same rights in his wife's homestead under this Act as a wife is given in her husband's homestead.

Economic Research Bureau.—C. 8 provides for the creation of an Economic Research Bureau. The Bureau will consist of a chairman and other members to be appointed by the Lieutenant-Governor in Council. Provision is made for the appointment of other necessary officers and personnel for the conduct of the business of the Bureau.

The function of the Bureau will be to undertake such economic research in the Province as may be assigned to it by the Lieutenant-Governor in Council. It may be required to report on economic problems affecting the utilization of the natural resources of the Province.

The Minister of Economic Affairs is charged with the administration of the Act.

Land Clearing and Breaking Projects.—The Minister of Lands and Mines with the approval of the Lieutenant-Governor in Council may by c. 11 enter into agreements from time to time with any person or persons for the clearing and breaking of Provincial lands.

Any agreement made by the Minister may provide for the remuneration for the clearing and breaking to be paid at such rate per acre as may be set out in the agreement or to be recovered out of the crops subsequently grown on the land cleared and broken, or to be paid or recovered in such manner and on such terms and conditions as may be provided for in the agreement.

Moneys payable by the Province under any such agreement are payable from the Post-war Reconstruction Fund, or from the General Revenue Fund of the Province if this is deemed expedient by the Lieutenant-Governor in Council.

Once the lands are cleared and broken leases of the same are made under the provisions of the Provincial Lands Act.

If a lessee is unable to provide seed for the utilization of his land, the Minister of Agriculture is authorized to advance seed grain to him, either for cash or on credit. This seed grain may be provided for the first year that the lessee is in possession of the land. In the event that there is a crop failure in the first year it may also be provided in the second year. If seed grain is provided on credit the moneys owing for it are constituted a lien against the crops of the lessee from

year to year until the moneys are repaid. The moneys owing are payable to the Minister of Lands and Mines in cash or by a share of the crop, and any such share of the crop is in addition to the crop share payable under the terms of the lessee's lease.

The Lieutenant-Governor in Council is empowered to make regulations authorizing the advance of cash or credit to any lessee of lands cleared and broken under this Act or under c. 5 of the Statutes of Alberta, 1945 (Second Session). Regulations may also be made prescribing terms and conditions governing advances of seed grain and repayment of such advances. Moneys required for advances of seed grain or advances of cash or credit or for the administration of this Act are to be paid out of the General Revenue Fund in the absence of any vote of the Legislative Assembly for the purpose.

Retirement Pension.—C. 12 is a new Act providing for voluntary retirement pensions.

Ss. 3 and 4 of the Act provide for the creation of a corporation known as " The Administrator of the Retirement Pension Fund," and the person who acts as Administrator from time to time is appointed by the Lieutenant-Governor in Council.

S. 5 sets out the powers of the Administrator. The Administrator provides technical, actuarial and administrative facilities necessary to give information and advice regarding pension plans and to set up and administer such pension plans. The Administrator may receive deposits from employers consisting of the employers' contributions and employees' deductions under any pension plan which he approves and may administer the plan. He pays out the pensions in plans he administers. He also is empowered to invest the moneys in the Retirement Pension Fund from time to time in securities in which an insurer may invest.

By s. 6 the Administrator may enter into a contract with any employer on such terms and conditions as may be mutually agreed upon whereby the Administrator administers the pension plan of the employer or provides him with technical and actuarial facilities. The Administrator is also empowered to enter into contracts with the Boards which administer the Teachers' Retirement Fund and the Superannuation Fund of employees of municipal districts, and with such other boards administering pension funds as may be approved by the Lieutenant-Governor in Council.

By s. 7 the Administrator may not enter into a contract with an employer unless deductions from employees' salaries do not exceed 5 per cent., the contributions of the employers are at least equal to the deductions from the employees and the amount of the annual retirement pension does not exceed an amount actuarially equivalent to a single-life pension commencing at the age of sixty-five years of 2 per cent. of the average annual wage or salary for the continuous five-year period of pensionable service during which the employee received the highest wage or salary.

By s. 8 an employee who leaves the service of an employer whose pension plan is administered by the Administrator is entitled to withdraw his own contributions with interest or to leave the sum on deposit with the Administrator.

By s. 9 the amount left on deposit by any employee with the Administrator may be added to any amount he subsequently contributes under the pension plan of any other employer, or in the event of his death it is payable to his beneficiary.

S. 10 provides that the Minister shall pay a minimum of 2 per cent. interest on all deposits in the Fund and this minimum is guaranteed by the Province.

S. 12 enables the Lieutenant-Governor in Council to make contributions to the Retirement Pension Fund to be deposited to the credit of the pension plan applicable to any designated employees or class or classes of employees or the employees of any designated employer or class or classes of employers.

Public Libraries.—C. 13 repeals the Public Libraries Act and enacts a new Act to replace it.

The principal change in the new Act is the addition of sections providing for the establishment of regional public libraries and the amendment of existing sections to make them applicable to regional public libraries.

Ss. 7 and 8 provide for a Supervisor of Public Libraries, who will inspect the public libraries and ensure the proper disbursement of Government grants.

Part II deals with the establishment and powers of regional public libraries. Ss. 26 to 31 are new. Both in British Columbia and Saskatchewan there is legislation providing for regional public libraries which are established, maintained and operated by agreement between one or more municipalities. This Part provides that regional public libraries may be similarly established in Alberta by agreement between municipalities, and the provisions of this Act are modelled on those of the Saskatchewan Statute.

S. 28 enables a municipality to contribute to regional public libraries to the same extent as it could contribute under the former Act to a municipal public library. Regional public libraries may serve outlying points and s. 29 provides for grants from the Government to assist in the establishment and maintenance of such libraries. Ss. 30 and 31 dealing with incorporation and dissolution of such libraries are similar to the sections formerly applying to municipal public libraries.

Private Detectives.—C. 14 is a new Act respecting private detectives.

Generally, the Act provides for the licensing of private detectives and for some degree of regulation and supervision of their activities similar to that in effect in other provinces where legislation of this nature is already in force.

Seed-Control Areas.—C. 15 is a new Act.

Any five occupiers of land who desire to form a seed-control area may call a public meeting of the occupiers of land within the proposed area. The Act sets out the notice required in connexion with any public meeting and the procedure to be followed at the meeting. A majority of the occupiers of land present at the meeting may decide to circulate a petition for the constitution of a seed-control area.

The petition, together with proof of compliance with the conditions regarding notice of the public meeting and together with proof that the petition is signed by not less than 60 per cent. of the occupiers of land in the proposed seed-control area, may be presented to the Lieutenant-Governor in Council who may constitute the area as a seed-control area. The occupiers of land nominate three persons to a Seed-control Committee and the Minister of Agriculture appoints one member to it. The Committee is a body corporate, and its powers with regard to the controlling, facilitating and protecting the growing of seed within the seed-control area are set out in the Act. The only funds of any Seed-control Committee are the voluntary contributions of seed growers and occupiers of lands within the seed-control area. No person may grow in a seed-control area any seed or crop the growing of which is prohibited by the Lieutenant-Governor in Council.

Commorientes.—C. 16 was adopted by the Conference of Commissioners on Uniformity of Legislation, and has been enacted by all the other provinces except Quebec. It provides presumptions and rules for determining survivorship in common disasters. These rules help to decide the disposition of and the succession to property where both testator and beneficiary die in circumstances rendering it uncertain which survived the other.

Billiard Rooms and Bowling Alleys.—C. 17 is a new Act.

The new Act contains practically all of the provisions of the Billiard Room Act, being c. 327 of the Revised Statutes of Alberta, 1942, which it repeals and replaces. The administration of the Act is being transferred from the Department of the Attorney-General to the Department of Industries and Labour.

In the old Act the definition of " billiard room " included a bowling alley, and the same provisions applied equally to billiard rooms and bowling alleys. In this Act, billiard rooms and bowling alleys are each defined, and in certain cases a

distinction is drawn between billiard rooms and bowling alleys and the provisions applicable to them.

Daylight Saving Time.—C. 18 is a new Act.

The Act requires the use of Mountain Standard Time and prohibits the use of Daylight Saving Time or any time other than Mountain Standard Time, except when authorized under this Act. The Act does not apply to the part of the Province west of Jasper and within five miles of the Canadian National right-of-way.

Provision is made for agreement between the Government of the Dominion of Canada and the Province or between the Province and two or more other Provinces for the use or observance throughout the Dominion or throughout the Province and the said other Provinces of Daylight Saving Time or any time other than Mountain Standard Time. In such case the Lieutenant-Governor in Council may proclaim the use of Daylight Saving Time or time other than Mountain Standard Time in accordance with the agreement.

Conservation of Resources.—By c. 4 of the Statutes of Alberta, 1947, the Minister of Lands and Mines, with the approval of the Lieutenant-Governor in Council, was authorized and empowered to execute, on behalf of the Province, an agreement with the Government of Canada for joint action for the conservation of the forests on the east slope of the Rocky Mountains and for the protection of the watersheds therein. Pursuant to such authority, the Government of the Province entered into an agreement with the Government of Canada dated the 19th day of June, A.D. 1947, for the carrying out of the purposes set out in said c. 4. Since that time the Government of Canada has requested the Government of Alberta to procure the enactment of an Act validating and confirming the agreement so entered into, and the purpose of c. 20 is to validate the said agreement as requested.

Eastern Rockies Forest Conservation.—C. 21 is a new Act authorizing a working advance from the General Revenue Fund of $500,000 to finance capital expenditures under the agreement with the Dominion Government providing for the conservation of forests on the east slope of the Rocky Mountains.

Order in Council No. 1348–47 authorizing an interim advance of $100,000 is validated.

Under the agreement the Dominion Government undertakes a programme involving a capital expenditure of a sum not exceeding $6,300,000. The Province carries out this programme and is reimbursed quarterly for its actual expenditures. The $500,000 advance is necessary in connexion with the financing of this expenditure.

Hospitals.—C. 22 incorporates the Associated Hospitals of Alberta, whose main purpose will be to operate a voluntary plan for the provision of hospitalization on a prepayment basis which is generally referred to as " The Blue Cross Plan."

Department of Lands and Mines.—C. 24 repeals the Department of Lands and Mines Act.

The Department of Lands and Mines is to be replaced by two new Departments —the Department of Lands and Forests and the Department of Mines. This Act s accordingly repealed, effective on the date on which the two new Departments were set up.

School Attendance.—C. 57 amends the School Attendance Act.

Subsection (2) of s. 6 provides that where the services of a child are required in husbandry or in urgent and necessary household duties certain officials upon application in writing being made by the parent or guardian of the child may excuse the child from attending school for any period not exceeding six weeks. The amendment adds superintendents of schools to the list of officials who may excuse the child from attendance.

S. 9 (1) provides a penalty for a parent or guardian of a child who refuses or neglects to send the child to school. Formerly this section applied to the parent or guardian of a child who has attained the age of seven years but has not attained

the full age of fifteen years. This is amended to refer to a child required to attend school by the School Attendance Act.

Old Age Pensions.—C. 17 amends the Old Age Pensions Act, Alberta.

Old age pensions are payable pursuant to certain agreements made between the Dominion of Canada and the Province of Alberta under the provisions of the Dominion Act and the Alberta Act.

This Act approves, ratifies and confirms a new agreement between the Dominion of Canada and the Province of Alberta, which is set out in full in the Act.

Under the new agreement the maximum pension is increased from $300 yearly to $360 yearly.

The maximum pension payable to a pensioner is reduced by the amount of income he receives from other sources in excess of a fixed amount depending on the category of the pensioner. These fixed amounts have also been increased by the new agreement which means a pensioner can receive more income from other sources without reducing his maximum pension.

3. BRITISH COLUMBIA.

[*Contributed by* J. Pitcairn Hogg, Esq., K.C., *Legislative Counsel.*]

Acts passed—114.

Adoption.—Under the Adoption Act, before amendment, " child " in a will, grant or settlement included only a child adopted by the testator, grantor or settlor. By No. 1 it includes any adopted child.

Apprenticeship.—In certain specified trades youths could not be employed without entering into an apprenticeship agreement. In 1940 this provision was abrogated so far as it applied to work incidental to the production of war supplies. Under No. 2 the abrogation now applies only in the case of specialized or repetitive work, and the approval of the Minister is required.

Blind Persons.—No. 3 prohibits the carrying of " white canes " by any person having more than 6/60 vision, thus protecting the interests of the blind persons.

Clinics of Psychological Medicine.—Act No. 6 establishes Provincial Clinics of Psychological Medicine. The thought is that in many cases it is better to commit a person to a clinic rather than to a mental hospital.

Creameries and Dairies Regulation.—The purpose of No. 13 is to bring all milk pasteurizing plants and their operators within the scope of the principal Act, and to provide for issuance of certificates of proficiency to creamery workers.

Deserted Wives' Maintenance.—No. 15 raises the maximum sum payable to a wife under an order of a magistrate from $20 to $40 a week. It also makes provision for a child by his next friend to sue for maintenance. " Acts of cruelty " are defined.

Municipal Elections.—No. 19 allows Hindus to vote at municipal elections and makes other minor amendments.

Provincial Elections.—No. 20 grants the franchise to Mennonites and Hutterites. In 1947 a central registry was established at which it was intended that the name of every voter in the Province should be registered alphabetically. The Central Registry has now been abolished. There are other minor amendments.

Electrical Energy.—No. 21 defines " electrical contractor " and authorizes certificates of competency. It authorizes the Lieutenant-Governor in Council to prescribe areas in which no one may carry on business as an electrical contractor unless he holds a certificate of competency.

Forests.—No. 25 provides for the increase of royalties on timber, the establishment of a Forest Development Fund, increase of the Government contribution to the Forest Protection Fund, and makes provision for farm wood-lots.

Hospitals.—No. 28 provides hospitalization for the whole of British Columbia's population on a compulsory basis with the exception of (*a*) Christian Scientists;

(*b*) persons in remote areas where the provision of hospital services are impracticable. It was amended by No. 29.

Legal Profession.—No. 36 deals with disciplinary powers of Benchers and provides for setting up of a committee of Benchers to investigate complaints.

Public Libraries.—No. 37 empowers Library Boards, Board of School Trustees and Municipal Councils to enter into agreements with each other and with the Public Library Commission for common pooling of their libraries and library revenues and for administration thereof by Commission.

Real-estate Agents' Licences.—C. 38 provides that the Superintendent may refuse a licence to any person who has not been a resident of the Province for at least one year. It further provides that the Superintendent shall suspend or cancel a licence where in his opinion the suspension or cancellation is in the public interest. The Superintendent may also appoint a person to hear any complaint or to make any inquiry or inspection that the Superintendent is authorized to hear or make. It is provided that a real-estate agent shall keep proper books and accounts and maintain a trust account. A real-estate agent is prohibited from making a representation that he will guarantee a resale of any property offered for sale by him or that he will procure a mortgage or extension of a mortgage unless he makes the representation in writing. A real-estate agent is prohibited from purchasing property listed with him as an agent without full disclosure. There are other similar provisions.

Magistrates.—C. 44 raises the fee payable to a magistrate in respect of each case from $2.50 to $3.

Maintenance Orders.—The purpose of c. 45 is to compel persons who send judgments from abroad to send enough money to pay for the enforcement.

Medical Profession.—No. 49 provides that the Medical Association may use moneys of the Association to assist members in distress.

Mental Hospitals.—No. 50 gives a judge power to direct admission of a person to a Clinic of Psychological Medicine instead of to a mental hospital.

Minerals.—C. 52 provides that royalties shall be payable in respect of minerals won from lands covered by Crown grants. This provision applies only to Crown grants issued after May 1, 1948. It also lays down conditions on which the owners of certain mineral claims may obtain the right to the surface.

C. 53 makes provision for royalties on minerals won from lands covered by records of placer-claims. The provision applies only to records issued after May 1, 1948.

Coal-mines Regulation.—The Act previously on the statute books has been repealed and a new Act (c. 54) substituted. The new Act is a restatement of the previous provisions with a number of changes in detail.

Metalliferous Mines.—The Act previously on the statute books has been repealed and a new Act (c. 55) substituted. The new Act is a restatement of the previous provisions with a number of changes in detail.

Motor-vehicles.—C. 59 prohibits motorists from passing school buses so designated at a speed greater than fifteen miles an hour when the bus has stopped to receive or discharge schoolchildren. It also makes a number of amendments relating to the "Pink Slip Law."

Registered Nurses.—No. 66 makes certain amendments relating to the qualifications of nurses. It also provides that the "Employment Agencies Act" shall not apply to the employment service provided by the Association for Nurses.

Police and Prisons.—C. 72 makes provisions in regard to the discipline of members of the Police Force. It also makes it illegal for any person to take food, liquor, clothing or other article into a gaol for the use of a prisoner.

Public Utilities.—C. 75 provides that a company transporting persons or property by trolley coach for compensation is a public utility. It also provides that the Milk Board shall be a body politic and corporate.

Revised Statutes.—C. 79 authorizes consolidation and revision of statutes.

Social Security and Municipal Aid Tax.—No. 82 provides for a 3 per cent. sales tax, two-thirds of the net proceeds of which are to be deposited in the " Social Security Fund."

Amusement Tax Act.—No. 90 is a re-enactment of the previous Act, but it enables the Provincial Government to increase the amusement tax from 5 per cent. to 25 per cent. in the event that the Dominion withdraws from the field. The proceeds secured from the increase are to be earmarked for the Hospital Insurance Stabilization Fund.

British Columbia Corporation Income Tax.—No. 91 was passed at the request of the Dominion in order to maintain for purposes of administrative simplicity as close uniformity as possible between the Dominion Act and the British Columbia Act. Under the terms of the Agreement signed last year with the Dominion, the Dominion administers this Act on behalf of the Province, and any returns therefrom are in effect deducted from the Provincial fee received under the aforesaid Agreement.

Mining Tax.—No. 92 replaces the present output tax on mines imposed in Part V of the " Taxation Act." That part of the " Taxation Act " is repealed.

The constitutional validity of Part V of the "Taxation Act" has been questioned on the ground that it is not a direct tax. During 1947 several mining companies discontinued paying the tax on that ground. The new Act is an attempt to impose a tax that is constitutional. It is in effect an income tax.

Taxation.—The object of No. 94 is primarily to bring the " Taxation Act " and the " Municipal Act " into line as far as possible by:

(1) creating similar definitions of land and improvements;

(2) creating a similar method of approach for the evaluation of property;

(3) creating the same procedure in the preparation of Assessment Rolls and Taxation Rolls;

(4) creating the same procedure as far as possible in respect of Courts of Revision;

(5) fixing similar periods of time when this work must be undertaken and completed.

Town Planning.—No. 96 authorizes the Minister of Municipal Affairs to declare any area a " Planning Area." A Regional Planning Board is then established for the area, and the Board may then prepare a plan for the future physical development and improvement in an orderly manner based primarily upon public convenience and general welfare.

Wages.—C. 103 introduces a definition of " Wage " or " wages " as follows: " ' Wage ' or ' wages ' includes any compensation for labour or services measured by time, piece or otherwise."

Wife's Protection.—No. 106 gives a wife the right to apply to the Land Registry Office to have her name entered on the title deeds to her husband's " homestead " property, after which no disposition of the property can be made without the consent of the wife in writing.

1948—SECOND SESSION.

Acts passed—5.

Flood Relief.—No. 1 authorizes the Lieutenant-Governor in Council, either alone or in conjunction with the Dominion and the municipalities or other public authorities, to carry out measures for rendering aid in the mitigation of damages caused by flood. It authorizes the establishment of the " Fraser Valley Rehabilitation Authority."

Moratorium.—C. 3 establishes a moratorium for the flood area. The Act remains in force until the close of the first session of the Legislative Assembly held in 1949.

Revised Statutes.—C. 4 provides that the Statutes of the second session are to be included in the new Revised Statutes.

Sessional Allowances.—C. 5 provides for an allowance for Members of the Legislature attending the special session.

4. MANITOBA.

[*Contributed by* G. S. Rutherford, Esq., K.C., *Legislative Counsel.*]

The following is a brief summary of the more important legislation enacted at the 1948 Session of the Legislature of Manitoba.

Child Welfare.—C. 8 provides a different method for varying orders of temporary and permanent care and custody. The amendment distinguishes between these two types of orders and allows an order for temporary care and custody to be varied by a judge of the Juvenile Court who made the original order and also permits him to provide that some person other than the director or the society to whom a child is committed shall be a guardian of the child. In case of orders of permanent care and custody, the amendment provides that any variation of the order shall be made by a judge of the Court of King's Bench on application by one of the parents. S. 132 of the Act applies to such applications. The Act also provides that persons in the service of the Crown and acting under the Child Welfare Act may communicate information obtained when it is necessary to do so in carrying out the other provisions of the Act. Previously such information could be communicated only in giving evidence in Court.

Marriage.—C. 30 deals with the case of a non-resident of Manitoba who desires to be married in Manitoba. The amendment removes the provision requiring the Recorder of Vital Statistics to communicate to the applicant the contents of the report from the laboratory on the blood test.

Air Service.—C. 2 authorizes the Manitoba Government Air Service to supply either air transportation or radio communication or both in remote areas in emergencies and to make a charge therefor.

Trustee Securities.—C. 58 provides that the debentures issued by the governing boards of hospital districts incorporated under the Health Services Act are legal investments for trustees under the Trustee Act.

Civil Service.—C. 11 repeals the former Civil Service Act and provides a new Act. Among other things, it sets up a Civil Service Commission of three members and provides for the regulation of the members of the Civil Service of the Province. Provisions are included respecting employment (with preference to veterans), extension and dismissal. The various types of employment are defined. Provision is made for the establishment of a classification plan and a pay plan.

Hospitals.—C. 23 provides that the rates in respect to public-ward patients and babies shall be fixed by Order in Council in place of such rates being fixed in the Statutes as formerly. A further provision in the Act, however, provides that the rates so fixed by the Lieutenant-Governor in Council shall remain in effect until the beginning of the session of the Legislature next following the fixing of those rates and no longer. Provision is made for an agreement between a municipality and a hospital as to the amount to be paid to the hospital for the care of patients that are a charge on the municipality. Provision is also made for putting a limit on the amount that can be charged by hospitals to municipalities for public-ward patients and babies born in the hospital. An amendment is also made to the provision respecting the amount payable by municipalities in respect of one of its residents who is treated by a hospital in another province.

Manitoba Public Works.—Under the Manitoba Public Works Act jurisdiction and control and possession of provincial trunk highways is vested in the Government. However, municipalities have a general authority granted by subsection 7) of s. 50 of the Highway Traffic Act to pass by-laws respecting parking, obstruc-

tion of traffic, one-way streets, safety zones, etc. It was not intended that the provision in the Manitoba Public Works Act should in any way limit the authority granted by s. 50 of the Highway Traffic Act. Some doubt having arisen, c. 41 makes it clear that municipalities still have the rights over public trunk highways that are given by subsection (7) of s. 50 of the Highway Traffic Act.

Corporation Income Tax.—The Manitoba Corporation Income Tax Act follows very closely the wording of the Income War Tax Act (Canada), and is intended to be administered along with that Act. At the last session of Parliament amendments were made to the Income War Tax Act (Canada), and the purpose of c. 51 is to bring the Provincial statute into line with the Dominion statute in respect of these matters. Certain other administrative difficulties have cropped up, and these are taken care of. It is also provided that interest is not payable under s. 40 of the Act for any period prior to January 1, 1948.

Public Schools.—One important change made by c. 39 is that the minimum salary for teachers is raised from $100 to $120 per teaching month. Another important amendment is the amendment to s. 306 which provides that a portion at least of the guaranteed annual support is to be paid to school districts in all cases, even although the amount raised by the general tax is more than the amount of the guaranteed annual support.

Vital Statistics.—An amendment is made by c. 64 to the provisions respecting applications to the Court regarding an illegitimate child who is born to a married woman. The amendment takes care of the case where a child is not now resident in the Province, and provides that in such cases the application should be made to the County Court judge of the judicial district in which the child was born. Another amendment is the case of an adopted child who it is desired should retain the name of his natural parents. Under the Act as it formerly was this could only be done where both the natural parents were dead. The amendment removes the limitation. Provision is also made respecting the birth certificate to be issued in such cases. Provisions are also made respecting the disinterment and reburial of the bodies of deceased persons.

Vacations with Pay.—C. 62 provides a method whereby the employees in the construction industry in Greater Winnipeg will receive vacation wages. They are to receive vacation stamp-books in which the employer will put vacation-pay stamps. The amount shown to the credit of the worker by these vacation-pay stamps can subsequently be obtained in cash from the bank. Penalties are provided for the misuse of vacation-pay books or vacation stamps.

Tuberculosis.—The main purpose of c. 59 is to provide for the repeal of the establishment of the Tuberculosis Control Commission and to transfer the powers of the commission to the Sanatorium Board of Manitoba. Another provision provides that persons receiving certain special treatment may be required to pay therefor. The amount payable by cities in respect of their residents to institutions operated by the Sanatorium Board or approved by the board is fixed at $2.60 per day. The Act also provides that the Government or a city which pays under the Act for the maintenance and treatment of a person who is insured under a contract of insurance under which he is entitled to be indemnified for the whole or part of the cost of maintenance and treatment, may recover the cost, or that part thereof for which the insured is entitled to be indemnified, from the insured or from any other person who is liable to pay that cost. It is to be particularly noted that this does not confer a right of action against the insurance company. Another provision is to the effect that the amount of the Municipal Commissioner's levies are to be fixed by Order in Council instead of in the Statute. Annual grants are to be paid under the Tuberculosis Control Act instead of under the Hospital Aid Act.

Telephones.—C. 55 arose out of a decision of the Supreme Court of Canada in the case of *Bell Telephone* v. *Middlesex* (1947) S.C.R. 1, wherein it was held that authority to construct telephone lines upon, along or across a highway did not permit construction under the highway. The purpose of the amendment is to

make clear the right of the Government corporations concerned with respect to highways.

Insurance.—C. 26 contains some important amendments which were all recommended by the Association of Superintendents of Insurance. A large number of these amendments deal with the matter of group life insurance. The existing provisions in the life insurance part of the Manitoba Insurance Act, in common with the life insurance parts of the Acts of other provinces, were enacted before group life insurance had developed to any great extent. Accordingly, the provisions are not aptly worded to take care properly of the special circumstances covered by group life insurance policies. The intention of these amendments is to make the various provisions applicable to group life insurance. There are, however, in the Act other amendments arising from the study made over the past several years of problems that have occurred in the interpretation of the various life insurance provisions of the insurance Acts of the several Provinces since the general revision thereof in 1935–6; it has been the intention of the superintendents of insurance to recommend a revision of the Act from time to time and the present amendments are the result of a recent revision.

In addition to the above, there are certain other important amendments. The first of these deals with the defence of public policy. Cases have occurred where an insurer has sought to escape liability to pay under an insurance policy by pleading that the insured person was committing a violation of the law at the time that he suffered the damages in respect of which he was insured under the policy. This violation of the law might be a minor one, such as neglect to observe a traffic by-law. In any event, the insured is punishable for breaches of the law committed by him, and the amendment provides that he shall not also lose the benefit of his insurance subject to the exception that in the case of a contract of life insurance the provision applies only to disability insurance undertaken as part of the contract. The Act is also amended with respect of the statutory conditions that are contained in accident and sickness policies. Provision is made for the omission of certain of these conditions if approved by the superintendent. The amendment also covers the case of the so-called " ticket policies " and provides for the omission of statutory conditions in policies of this kind which, however, are no longer to be known as " ticket policies." Further amendments relate to the automobile part of the Act and ensure that an insurer cannot escape liability on a policy merely because the driver of a motor vehicle was unlicensed when an accident occurred if he was otherwise qualified to drive. Another amendment relates to trailers. Under the former provisions a special endorsement was required to be placed on a policy before a trailer could be used. The amendment provides that no endorsement is required to use a trailer except in the cases mentioned in the amendment.

Labor Relations.—C. 27 is the new so-called labor " code " of Manitoba. It would probably be unwise to attempt to summarize the provisions of this important Act. In a large measure it follows the provisions of a Bill introduced in the Parliament of Canada, relating to the same subject-matter. It will be of interest to the legal profession to note that the provision in the Dominion Bill, excluding counsel from appearing before a conciliation board except with the consent of the parties is not contained in the Manitoba Act. The Act provides for collective bargaining, collective agreements, certification of bargaining agents and conciliation procedures. An amendment made while the Bill was in committee was that the board shall not certify a trade union representing members of a municipal police force if the union is a branch of, or affiliated with, a provincial, national or international trade union. Another provision states explicitly that no member of a municipal police force shall strike.

Medical Auxiliaries.—C. 38 provides for the making of regulations for the purpose of licensing opticians, masseurs and physiotherapists.

Mining Royalty and Tax.—C. 52 is a new Act to impose a tax on the income derived from mining operations. The tax is to be normally 8 per cent., but in the

case of a new mine the tax during the first twelve months of operation is to be 6 per cent., and during the next twelve months 7 per cent. and thereafter 8 per cent. The Act also provides for a tax on mining claims.

Teachers' Retirement Allowances.—C. 54 replaces the former Teachers' Retirement Fund Act, and provides for a new system of retirement or superannuation allowances for teachers other than teachers in the school district of Winnipeg, who are members of a retirement allowances fund established by that school district. The new Act provides for contributions by teachers from which on retirement they will receive an annuity. The Act also provides for contributions by the school district and by the Government from which the teacher on retirement will receive a pension. The annuity and the pension taken together are called the retirement allowance.

Workmen's Compensation.—C. 67 provides for a number of increases in the amounts payable under the Act to workmen or their dependants. The monthly payment to a widow or invalid widower is raised to $50 a month. For a widow or invalid widower who has a child or children, in place of the sliding scale of benefits under the former provision, it is now provided that there shall be a fixed benefit of $12 a month in respect of each child. The monthly payment to orphan children is raised from $15 to $20 a month. The maximum monthly payment for dependants other than widows and invalid widowers and children is raised from $20 to $30 a month to any one dependant and from $40 to $60 dollars in respect of all such other dependants. The over-all limitation on the amount payable to a widow or invalid widower having dependent children or to orphan children or to other dependants is fixed at two-thirds of the worker's average earnings. The maximum amount of the allowable earnings of a workman is raised from $2,000 to $2,500 per year.

Electricians' Licence.—C. 15 changes from three to four years the practical experience required of a journeyman. Whereas the former Act merely prohibited the installation of electrical equipment not approved as stated in the Act, the new provision also prohibits the sale or offer for sale of such equipment.

Public Libraries.—C. 28 is a new Act, and provides for the establishment of a public library advisory board which is to have certain duties as provided in regulations made by the Lieutenant-Governor in Council. In addition, the Act provides first for the establishment of municipal public libraries. This may be done by a procedure whereby there is first required a petition signed by not less than 8 per cent. of the electors in the municipality, and then the matter is submitted to the vote of the electors. Provision is made that if a library is established, the necessary tax to support the library can be levied. Part III of the Act provides for regional libraries which are libraries supported jointly by two or more municipalities. The establishment of a regional library also requires a petition of the electors of each municipality and approval by a vote of the electors.

Real Property.—C. 43 provides that where a licence given by the owner of land to the Crown or a municipality, public utility company, etc., for the conveyance of water, drainage, sewage or the laying of pipes or the carriage of transmission wires, etc., the instrument containing the grant of a licence may be registered under the old system or registered by way of caveat under the Real Property Act. In such event, it will constitute a charge on the land in the same manner as if it were an easement.

Gasoline Tax.—C. 50 provides for the exemption from the tax on gasoline purchased for use in operating aircraft engines or checking and testing such engine on the ground.

Highway Traffic.—There are a number of important amendments in c. 22. The drivers of motor vehicles must have the registration card available for production while the vehicle is " on a highway " and not merely while " being driven on a highway." The same provision applies to the licence-plate attached to the motor vehicle. The Act is amended to provide that on the transfer of a vehicle

the plates remain with the owner and also to provide for a refund of part of the registration fee in certain cases. A provision is added to the Act prohibiting the use by taxicabs or livery cars of lights that are red or green in colour or that light intermittently or in flashes. Provision is also made for the use of reflecting devices in the case of large vehicles stalled on a highway. The provisions respecting brakes are changed to provide that they must be adequate to stop and hold not only the vehicle but any trailer attached thereto. The Act is amended also to take care of a situation that arose as a result of a judgment of the Chief Justice of Prince Edward Island in the case *Cahill* v. *McNevin*, 20 M.P.R. 114, the result of which would seem to have thrown doubt on the legality of the brakes and equipment of most vehicles on the highway at the present time. Vehicles are hereafter required to be equipped with adequate frost shields or other devices to prevent or minimize the condensation of moisture. Provision is made that not more than one person shall ride upon so-called " motorized bicycles " as distinct from motorcycles. Another important provision is that no motor vehicle on a highway in Greater Winnipeg or any city, town or village shall be pushed from behind by another vehicle unless there is a driver in the vehicle being pushed, and also providing that the vehicle shall not be pushed across or through the intersection of two highways except where the engine is disabled, and in such case shall not be pushed for a distance greater than is necessary to remove it from the intersection and to park it in a place where it will not obstruct traffic. The speed limit for one and a half ton trucks is raised from 35 m.p.h. to 40 m.p.h. Provision is made respecting flashing red lights at intersections. The Act requires that vehicles approaching such a light shall stop and shall not proceed until it is safe to do so.

Provision is also made for the impoundment of the bicycles of juveniles by the judge of the Juvenile Court. The provisions respecting reporting of accidents are applied to the drivers of trolley buses. Provision is also made that the fee for the unsatisfied judgment fund may be suspended if the fund exceeds $100,000 and shall be suspended if it exceeds $175,000. The fee must be reimposed if the fund drops below $100,000. It is also provided that a person in order to recover from the unsatisfied judgment fund must exhaust his remedies against all persons against whom he has a cause of action and this provision is retroactive to the first of December 1945. If a person against whom a judgment has been recovered disappears and cannot be found to be examined as a judgment debtor, it is now provided that the Court may make an order on the unsatisfied judgment fund on being satisfied that the facts are as above mentioned. It is also provided that where an applicant for payment out of the unsatisfied judgment fund has made a settlement with the person against whom he has a cause of action, he must satisfy the Court that the settlement was a reasonable one. It further provides that regulations may be made prescribing tests for drivers or chauffeurs. A separate licence is to be provided for farm trailers as distinct from other trailers and also for delivery cars.

Natural Resources.—C. 1 validates an agreement entered into between the two Governments amending the Natural Resources Transfer Agreement made between the Governments in 1929.

The above summary relates only to Bills of general interest. It does not mention private Bills or Bills merely of local interest. Neither does it include any reference to the amendments to the Municipal Act or to the charters of various cities and towns or other purely municipal or school district bills. The amendments to the Municipal Act are, of course, very important, particularly those relating to the taxation of railways, but they are so detailed it would be difficult to include them within the scope of a brief summary of this kind.

5. NEW BRUNSWICK.

[*Contributed by* N. M. HOYT, ESQ., *Senior Solicitor.*]

1947.

IN 1947 the New Brunswick Legislature passed 168 Acts, of which 65 were Public and 103 were Private.

The most important Public Acts are as follows:

Taxation.—C. XI authorizes the Province to enter into an agreement with Canada for the temporary suspension of the imposition of Income Taxes, Corporation Taxes, Succession Duties and Taxes on Securities, and to provide for the temporary suspension of such taxes by the Province and the municipalities in the Province in order to permit the Dominion of Canada to occupy such fields of taxation exclusively for the following purposes, namely:

(*a*) to establish a more equitable system of taxation;

(*b*) to give a greater measure of stability to the revenue of the Province; and

(*c*) to enable the Dominion of Canada to carry out fiscal and other national policies intended to maintain high levels of employment and production.

C. XII requires every corporation to pay an income tax equal to 5 per cent. of that portion of its income that is attributable to its operations in New Brunswick during each of the fiscal years of the corporation.

C. XIII authorizes the Province to enter into an agreement with Canada with respect to the collection of Corporation Income Tax.

Dower.—C. XXX provides that when a wife has been divorced by her husband by sentence of the Court by reason of adultery by her committed, she shall not be entitled to dower out of the lands of her husband.

Public Accommodation.—C. LXI authorizes the Public Accommodation Board, subject to the approval of the Governor in Council, to establish standards for the classification of places of public accommodation.

Warehouse Receipts.—C. LXIV prescribes the contents and negotiability of warehouse receipts and certain rights and liabilities of the warehouseman.

1948.

In 1948 the New Brunswick Legislature passed 174 Acts, of which 58 were Public and 116 were Private.

The most important Public Acts are as follows:

Industrial Standards.—C. X authorizes the Minister of Labour, upon the petition of representatives of employers and employees in any trade in any area, to convene a conference of such representatives for the purpose of investigating and considering the conditions of labour and the practices prevailing in such trade in such area and for negotiating with respect to wages, hours and days of labour and the classification of employers and employees.

The Blind.—C. XI provides for compensation to blind workmen for injuries sustained in the course of their employment.

C. XII restricts the use of white canes to blind persons.

Probate Courts.—C. XXXII provides for the appointment of a Public Administrator.

Insurance.—C. XLVII provides, subject to exceptions, that unless the contract otherwise provides, a violation of any criminal or other law in force in the Province or elsewhere shall not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance.

6. NOVA SCOTIA.

[*It is hoped to publish the revises in the next issue*]

7. ONTARIO LEGISLATION.

[*Contributed by* K. G. Morden, Esq., K.C.]

Acts passed, 130; Public, 99; Private, 31.

Hospitals.—The Hospitals Tax Act (c. 41) provides that amusement tax, being a tax of 20 per cent. upon the admission price to theatres, moving-picture halls, dance-halls, carnivals, race-courses, base ball and athletic parks, skating rinks, etc., shall be paid into a fund known as " Hospital Aid Fund," and the Hospitals Aid Act (c. 40) provides that the moneys in the Fund shall be disbursed as grants to aid hospitals and to no other purpose.

Labour Relations.—While the Ontario Legislature was in session, a Bill was introduced in the Dominion House of Commons (see *supra*, p. 32) to provide for the investigation, conciliation and settlement of industrial disputes (the Bill was later enacted, see *supra*, p. 32). The Dominion Act is applicable only to employees whose relations with their employers are within the legislative jurisdiction of the Dominion Parliament. The Ontario Legislature (by c. 51) has enacted a Labour Relations Act which establishes the Ontario Labour Relations Board to exercise the powers and perform the duties vested in it or imposed upon it by the Act or the regulations made by the Lieutenant-Governor in Council. These regulations shall be applicable to all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of the Province, and shall be in the same form and to the same effect as the Dominion Act with such variations as may be necessary. The Act further provides that the Minister of Labour may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of the Act, and, pursuant to any such agreement,the regulations may provide for appeals from the Ontario Board to any Board which may be created to administer the Dominion Act. The purpose of c. 51, like the Labour Relations Act, 1944 (*Journ. Comp. Leg.*, vol. xxviii, p. 68) is to ensure uniform labour legislation in Ontario, whether or not an industry in relation to labour relations falls within the ambit of Dominion or Provincial legislation.

Maintenance Orders.—C. 53, which is based upon a Bill recommended by the Commissioner on Uniformity of Legislation in 1946, provides for the enforcement in Ontario of maintenance orders made by a Court in a reciprocating State for the maintenance of the wife or other dependants of the person against whom the order is made. It does not apply to affiliation orders. A reciprocating State is any other Province of Canada, any part of the British Commonwealth or Empire or any foreign State which enforces maintenance orders made in Ontario. Acts similar in principle have been passed in Alberta, British Columbia, Manitoba and Saskatchewan.

Negligence.—The Negligence Act is amended (by c. 61) to permit one joint tortfeasor to settle with an injured person and then recover contribution and indemnity against another joint tortfeasor. The tortfeasor who has settled must satisfy the Court that the settlement was reasonable, but if the Court finds the amount of the settlement was excessive, it may fix the amount at which the claim should have been settled. The amending Act further provides that the period of limitation shall not commence to run in any proceedings for contribution or indemnity provided such proceedings are commenced within one year of the date of the judgment or settlement. Under the Municipal Act an action against a municipality for non-repair of a highway must be commenced within three months and under the Highway Traffic Act for damages caused by the operation of a motor vehicle within one year. The amendment is to protect a defendant who has been found liable or who has settled from the operation of these and similar short periods of limitation when he seeks contribution from a person who was not a party to the original action.

Research.—In 1945 the Ontario Research Commission was appointed to inquire

into and report upon all matters concerned with scientific and industrial research as they affect Ontario. The Commission reported this year, and c. 79 carries out its recommendations by establishing the Research Council of Ontario, which is empowered to inquire into industrial, agricultural and other research and scientific activity in or affecting the material development of Ontario, to publish and disseminate scientific and technical information, to establish and administer scholarships, to assist in the training of research and scientific workers, etc.

Ski-Tows.—C. 84 empowers the Lieutenant-Governor in Council to make regulations governing the operation of ski-tows (which means mechanical ski-tow mechanical ski-lift or other similar device), and requiring the operators of ski-tows to file proof of financial responsibility.

Vital Statistics.—The Vital Statistics Act, 1948 (c. 97), is a consolidation of the existing Act and amendments, and a revision of them for the purpose of ensuring that there will be collected in one place as complete a record as possible of all births, marriages, deaths, stillbirths, divorces, adoptions and changes of name. Unless an order of the Court or of the Registrar-General is obtained, no birth certificate will show the parents of the child, thus the certificate will not show that a child is illegitimate or has been adopted, and no death certificates will show the cause of death. The Act also provides that no birth certificate or certified copy of a birth registration shall be admissible in evidence to affect a presumption of legitimacy. Provision is also made for the exchange of information in the case of adoptions with other jurisdictions and in the case of divorce with other Provinces so that records may be kept up to date.

Consolidations.—The following Acts are re-enacted and consolidated with minor amendments: Change of Name Act (c. 9); Coroners Act (c. 17); Forest Fires Prevention Act (c. 32); Hotel Fire Safety Act (c. 42); Milk Control Act (c. 55); the Mother's Allowance Act (c. 58); the Old Age Pensions Act (c. 64); as well as the Vital Statistics Act. This legislative house-cleaning is an indication that a revision of the public Acts will be published within a very few years. The last revision of the Statutes was made in 1937.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

1947.

Public Acts, 42; Private, 24.

Suspension of Taxation.—By c. 2, certain Statutes imposing taxation upon Corporations, Incomes and Successions are suspended during the term of an agreement entered into between the Province and the Dominion in order to prevent duplication of taxation.

Licensing.—By c. 3 a licence or registration fee not exceeding $250 per annum is imposed upon certain Corporations during the term of the Tax Suspending Agreement.

Corporation Income.—By c. 11, in pursuance of the Tax Suspension Agreement between the Province and the Dominion, a tax of 5 per cent. is imposed upon the income of certain corporations.

Floral Emblem.—By c. 15, the Lady's Slipper, botanically known as Cypripedium Hirautum, is adopted as the floral emblem of the Province.

Inns and Restaurants.—By c. 18 all inns and restaurants are required to be licensed, must comply with regulations and are subject to periodic inspection.

Illegitimate Intestates.—By c. 21 provision is made for the distribution of the estates of intestates who are illegitimate.

Milk.—By c. 27 the sale of milk is strictly regulated, the Province being a disease-free area under bovine tuberculin tests periodically conducted.

Potatoes.—By c. 28 the planting of potatoes except foundation-stock officially spected and certified as free from disease is prohibited. Growing fields of tatoes must be registered, and are subject to inspection under regulations of the epartment of Agriculture.

Juvenile Offenders.—By c. 35 authority is given for the establishment of a re-rmatory or industrial farm for youthful offenders. When made ready for con-lement of juvenile offenders the establishment will be proclaimed as a Reforma-ry under Federal Statute.

Uniformity of Time.—By c. 39 the practice of municipal Daylight Saving Regu-ions is discontinued, the Act declaring that there shall be one standard uniform ficial time in use throughout the Province.

Well Digging.—By c. 42 the digging or boring of wells for fresh water for dom-ic or farm purposes within prescribed areas is prohibited except under official rmit.

1948.

UBLIC Acts, 41; Private, 14.

Corporation Securities.—By c. 7 the Model or Uniform Act, with respect to the gistration with the Provincial Secretary of securities given by corporations, was opted. This Act had been prepared by the Commissioners on Uniform Pro-ncial Legislation in 1931, and was recommended for adoption by all the Pro-nces. It is now the law in four Provinces.

Defamation.—By c. 12 the Model Act to make uniform the Statutes of the ovinces on the subject of Defamation (libel and slander) was adopted.

Public Utilities.—By c. 14 telephone service and the supplying of electric ergy to the public are placed under control of a Public Utilities Commission pointed under c. 32.

Intoxicating Liquor.—By c. 37, known as the Temperance Act, a metewand with gard to the much-discussed problem of temperance in the use of intoxicating inks was established. Under the Act, the amount consumable, within the limits temperance, is one case of beer, or one bottle of spirits or wine every week. his is procurable from vendors appointed by the Government, by any person ho is overy twenty-one years of age who has not been "interdicted." The Act verses the previous seventy years' official attitude, during which period the use intoxicants in any quantity whatever for beverage purposes had been inter-cted.

Trade Unions.—C. 38 excluded from lawful association as a trade union all ployees who were non-residents of the Province. It also required every trade ion to certify that its actions, deliberations or decisions were not directly or in-rectly controlled or directed by any other person or group of persons, and that all members are employees resident in the Province. The Act made it impossible industrial workers in the Province to belong to, or be affiliated with, any tional or international trade union. This Act caused so much disturbance and otest from international trade unions and other labour organizations that it was pealed the following year.

9. QUEBEC.

[*Contributed by* THE HON. MR. JUSTICE FABRE-SURVEYER.]

BLIC Statutes, 50; Private Statutes, 78.

Education.—C. 5 authorizes the Government to subscribe $4,000,000 to Laval iversity, $2,800,000 to the University of Montreal and $1,000,000 to the iversity of Bishop's College at Lennoxville; in addition, municipal corporations authorized to make donations they deem suitable to universities legally

constituted on January 1, 1948; loans made for this purpose being subject to the approval of the Municipal Commission.

Housing.—In order to remedy the housing shortage, facilitate ownership of real estate and encourage its decentralization, c. 6 empowers the Government to guarantee and pay interest in excess of 2 per cent. per annum on all loans for the building of new dwellings made by credit unions or loan societies either to individuals, syndicates or co-operative building societies on certain designated conditions. The Quebec Farm Credit Bureau is charged with the carrying out of the Act, and the Government is authorized to spend for the purpose a sum up to $3,500,000.

Moreover, under c. 8 a Commission of from three to five persons is instituted to study the acute problem of housing shortage and to find a just, effective and practical solution to the problem, being mindful of the need to preserve rural economy and prevent an exodus from country to town. The Act delineates the duties of the Commission: to draw up a summary of the housing situation and to study causes and remedies; to point out measures needed for obtaining building material at reasonable prices and generally hasten construction and lower its cost; to seek means to procure sanitary dwellings for families with moderate incomes; suggest suitable ways to eliminate slums and other unsanitary lodgings, and to study the possibility and timeliness of establishing a town housing credit system. The Commission is invested with all the powers and attributes of commissioners appointed under the Public Inquiry Commission Act (1941 Revised Statutes, c. 9). The Act came into force on the day of its sanction, March 11.

Pensions.—C. 10 enables companies to establish by by-laws of its directors or administrators, subject to the approval of the Superintendent of Insurance, contributory pension systems for its employees or their dependants or for both, and to create special funds for this purpose separate from the company funds.

Among other provisions, the Act requires participation in the pension fund by a majority of the employees, approval of the Superintendent of Insurance and a minimum contribution by the company equal to that of the employees; the contributions of the latter are remitted to them on their leaving the service of the company, and on insolvency of the company the pension fund is liquidated and its assets distributed to the beneficiaries of the pensions. The Act, which came into force March 22, does not apply to Municipal corporations, corporations of school commissioners, trustees or administrators.

Legislative Council.—C. 14 increases the amount of sessional indemnity received by the Leader of the Government and the Leader of the Opposition in the Legislative Council from $3,000 to $5,000 per annum.

Drainage.—In order to establish farmers' sons and increase arable land areas, c. 20 enables the Provincial Treasurer to pay for drainage works a further sum of $3,000,000 out of the consolidated revenue fund. The Act came into force February 6.

Farm Credit Bureau.—C. 21 authorizes loans to farmers for an additional amount of $5,000,000, interest at 2½ per cent. per annum.

Fish and Game.—To utilize and protect fish and game resources in the better interest of the people, c. 25 empowers the Government to give the Cabinet the right to engage and remunerate specialists to find remedies for problems resulting from industrialization and from pollution of waters; to make a biological inventory of lakes and rivers in order to improve their yield; to organize and maintain hatcheries; and to establish game and fish preserves, etc., on Crown lands and elsewhere.

The carrying out of the Act is under the administration of the Minister of Fisheries and the Minister of Game.

Professional Syndicates.—C. 26 amends in various ways the Professional Syndicates Act (1941 Revised Statutes, c. 162) as amended by c. 36, 1946, Geo. VI, and by c. 52, 1947, George VI.

Trades Disputes.—C. 27, amending the Trade Disputes Act (1941 Revised Statute

c. 167, as amended by c. 54, 1947, Geo. VI), gives the council of arbitration a delay of three months from the date of the appointment of its president to render its decision on the trade dispute; moreover, a further delay may be granted by the Minister of Labour at discretion and in the interest of justice.

Cities and Towns Act.—Under c. 29, the Cities and Towns Act, c. 233, 1941 Revised Statutes, as amended by 1942, Geo. VI, c. 57, and by c. 59, 1947, Geo. VI, is again amended. Among various other enactments, a delay is provided to make application for a readdition or a recount of votes before the returning-officer gives a casting vote when two or more candidates have received an equal number of votes; the Act also decrees that in order to establish a pension fund by by-law, the approval of the Superintendent of Insurance, the Municipal Commission and the majority of the officers and employees benefited is required.

Notarial Records.—Among various new provisions, c. 31, amending the Notarial Code (1941 Revised Statutes, c. 263 and amendments), enacts that permission of the Board of Notaries is required for assignments or transmissions of notarial records, whereas formerly the Cabinet granted permission. The Act also specifies that every transfer or transmission is for a period of fifty years only, but the Board of Notaries is enabled to grant extensions up to fifty years.

Parishes and Fabriques.—C. 36, amending the Parish and Fabrique Act, 1941 Revised Statutes, c. 308, requires a plan and description of the land involved prepared by a land-surveyor to be filed with the petition addressed to the commissioners for civil recognition of the canonical decree erecting a new parish, subdividing an existing one, etc.

Gaspesian Area Title-Deeds.—The preamble to c. 37 states that since agriculture and industrial development are hindered by the uncertainty of title-deeds in the Gaspesian area, the Minister of Lands and Forests is empowered to draw up revised plans and books of reference for territories, seigniories, townships, etc., in certain designated electoral districts; moreover, the Act enables the Cabinet to fix the date of the coming into force of the revised plans and books of reference, and one year after the date fixed a certificate of ownership is issued to occupants of real estate with or without titles, excepting in the case where opposition has been made by an interested party. The latter has a three years' delay to take legal action to obtain a certificate of ownership if the Minister is unable to bring about an agreement between rival claimants. The Act came into force March 11.

Public Curatorship.—C. 42 amends the Public Curatorship Act, c. 62, 1945, Geo. VI as amended, and enacts that the Public Curator, until judgment appointing a new curator has been served on him, acts *ex officio* as curator when the curator to an interdicted person of age confined in an asylum is deceased; the Public Curator is also empowered to accept at discretion and without judicial authorization legacies, successions and gifts accruing to the person under his administration. The Act enables him to fill all provisional administratorships to successions granted by a judge on petition and to receive and administer as provisional administrator, if the beneficiary is untraceable, the proceeds of insurance policies on the lives of persons who were domiciled in the province at the time of death.

In addition, the Public Curator is *ex officio* provisional administrator of property abandoned by corporations, of the property of absentees under the Civil Code until service of a judgment appointing a curator is made on him, and of successions not accepted or declared vacant on satisfactory proof that the heirs are unknown or untraceable. The Act adjudicates in regard to the further powers of the Public Curator to sell, transact, carry on business, etc., and repeals the Unclaimed Stolen Goods Act, 1941 Revised Statutes, c. 25. It came into force March 11, the day of its sanction.

Evidence.—Since the conservation by banks of documents in their possession is greatly inconvenient, c. 44 permits photographic reproductions of documents of banks incorporated by Federal charters to be received in evidence, under certain specified conditions.

Successions.—C. 46, amending Art. 675 of the Civil Code, decrees that the provisions governing the sale and distribution of the price of property belonging to minors and other parties legally incapable of contracting are applicable to the sale of real property of a succession by the beneficiary heir; the consent of all hypothecary creditors is also required. Formerly, the rules governing the sale of vacant successions were followed.

Real Rights.—In addition, c. 46 declares in regard to the order of preference of real rights that, when entered at the same time, two titles rank together concurrently.

Municipal Code.—The powers of local corporations to make, amend or repeal by-laws is increased by c. 49, amending s. 413 of the Municipal Code as amended, by including the power to regulate the use of motor-boats on waters situated within the municipality of any lake five miles or under in width on the shores of which there is a country house, holiday camp, establishment for sick or disabled persons, etc., and also to regulate by by-law, restrict to certain zones and licence the keeping of rooming-houses and boarding-houses. The Act increases the amount local corporations may borrow for fire protection to the extent of $12,000 whereas previously they were limited to $5,000.

Montreal Tramways.—Under c. 50, amending c. 84, 8 Geo. V as amended, it is provided that appeals from decisions rendered by the Montreal Tramways Commission, notwithstanding any provisions to the contrary, are heard and decided by three arbitrators, one of whom is *ex officio* the Chief District Magistrate; the remaining arbitrators are appointed, one by the Montreal Metropolitan Commission, the other by the Montreal Tramways Company. The decision of the chairman of the arbitrators in points of law and that of the arbitrators in questions of fact are final and without appeal. Among other provisions, the Act declares that the proceedings for the summoning of witnesses and for the hearing are the same as for ordinary cases before the Superior Court, and the arbitrators are vested with all powers possessed by the Court or judge.

10. SASKATCHEWAN.

[*Contributed by* J. P. Runciman, Esq., K.C., *Legislative Counsel.*]

Of the 123 Acts passed, 115 were Public and 8 Private.

Provincial Elections.—The section of the Saskatchewan Election Act governing the qualification of voters was repealed by No. 4 and the following section substituted therefor:

" 13.—(1) Except as herein otherwise provided, the persons entitled to vote shall be those mentioned in subsections (2), (3), (4) and (5).

" (2) Every person, whether male or female, shall be qualified to be registered as a voter, and to vote, who:

(*a*) is a British subject;

(*b*) is of the full age of eighteen years or will attain the full age of eighteen years on or before polling day;

(*c*) will on polling day have resided in Saskatchewan for at least twelve months immediately preceding polling day; and

(*d*) will on polling day have resided in the electoral division where he or she seeks to vote for at least two months immediately preceding polling day.

" (3) Any person otherwise qualified who is a resident of an electoral division and who will on polling day have been a resident in Saskatchewan for at least twelve months immediately preceding polling day but who will not on polling day have been a resident of the electoral division for two months immediately preceding polling day, shall be entitled to be registered as a voter for the electoral division of

nd within which he or she was last a resident for two months during the said eriod of twelve months.

" (4) Any person otherwise qualified who becomes a British subject at any me up to and inclusive of the last day fixed in an electoral division for the re- ision of the list of voters shall be entitled to be registered as a voter.

" (5) Any person otherwise qualified who becomes a British subject at any me up to and inclusive of polling day shall be entitled to have his or her name dded to the voters' list under the provisions of s. 106.

" (6) Each person shall be entitled to be registered on the list of voters for the olling subdivision in which he or she resides or in which he or she last resided in ases under subsection (3) and in no other."

The new section does not change the voting age. That was changed from venty-one years to eighteen years in 1945. A person may now vote if he has ne required qualifications on polling day. Hitherto the date of the writ of election overned.

Other amendments require that the political affiliations of candidates for elec- on shall be set forth in the notice of election, in nomination papers and on ballot apers. The hours of voting, hitherto from 9 a.m. until 5 p.m., are now from a.m. until 6 p.m. The place of residence of a person registered in a sanatorium r hospital for the treatment of tuberculosis, as a patient therein, is declared to be ne sanatorium or hospital; and the place of residence of a student registered in and actual attendance at any school, college, university or other educational institu- on, and who has for the purpose of such attendance taken up residence at a lace other than his ordinary place of residence, is declared to be, at his option, ther his ordinary place of residence or his temporary residence for educational urposes. Provision is also made for the establishment of polls in sanatoria and ospitals for the treatment of tuberculosis for taking the votes of patients therein. nother amendment extends the time during which special polling places shall be pen for taking in advance the votes of persons who will be absent from their aces of residence on polling day.

Highways.—An amendment to the Highways and Transportation Act (No. 8) rovides that unless authorized by permit obtained from the Minister of Highways nd Transportation, no person shall construct a canal within 300 feet from a rovincial highway outside a city, town, village or hamlet.

Revaluation of Property.—By amendments to the Department of Municipal ffairs Act (No. 9) and a revision of the Saskatchewan Assessment Commission ct (No. 40), the duty of revaluing assessable properties, businesses and special anchises in municipalities was transferred from the Assessment Commission to e Department.

Automobile Accident Insurance.—Further additions in No. 15 to the Auto- obile Accident Insurance Act, enacted in 1946 and consolidated and revised in '47, give protection to every owner and operator of an automobile against claims r loss in respect of bodily injury or death and damage to the property of others, used by the operation of the automobile. The public liability insurance is nited to $5,000 for one person and $10,000 for more than one person injured or led in any one accident, and property damage insurance is limited to $1,000 in e case of any one accident, with a " deductible " of $100 in the case of accidents curring in the Province.

Forests.—By a provision (No. 18) inserted in the Forest Act, the Saskatchewan mber Board (a division of Saskatchewan Lake and Forest Products Corporation, Crown corporation) was appointed as agent of the Minister of Natural Resources d Industrial Development for the purpose of developing and utilizing the forest ources of the Province, with defined powers, subject to the control of the nister and to the provisions of the Act and regulations thereunder.

Administration and Development of Northern Part of Saskatchewan.—The area to

which this new Act (No. 19) applies extends across the entire Province, and comprises one of the local improvement districts hitherto administered by the Department of Municipal Affairs. The administration of the Act, which follows closely the provisions of the Local Improvement Districts Act, is placed under the jurisdiction of the Minister of Natural Resources and Industrial Development.

The Act provides for the assessment and taxation of land, buildings, business premises and structures in connexion with the supplying of water, light, heat or power or in connexion with the transmission of oil or gas by pipe-line; and authorizes the Minister (*a*) to purchase and sell seed grain and farming supplies, trappers' and fishermen's supplies and other commodities; (*b*) to make expenditures from the funds of the district for the purpose of providing water supply, sanitary service, etc.; (*c*) to grant aid to needy persons and provide for their medical care and treatment. The Act contemplates the organization of municipalities within the district, and makes suitable provision for transfer of moneys from the funds of the district to municipalities upon organization.

Surrogate Courts.—By a clarifying amendment (No. 26) to the Surrogate Courts Act, application for the resealing of probate or letters of administration must be made to the Surrogate Court of a judicial district in which the testator or intestate had property at the time of his death.

Insurance.—Some uniform amendments (No. 30) prepared by the Association of Superintendents of Insurance, were made to the Saskatchewan Insurance Act. One declares the effect of a violation of law upon contracts of insurance and reads as follows:

" Unless the contract otherwise provides, a violation of any criminal or other law in force in the province or elsewhere shall not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance except where the violation is committed by the insured, or by another person with the consent of the insured, with intent to bring about loss or damage; provided that in the case of a contract of life insurance this section shall apply only to disability insurance undertaken as part of the contract."

Provisions governing contracts of group life insurance were inserted by way of amendments to Part V relating to life insurance.

A new section provides that, where a contract effected on the life of a minor by someone other than the minor, or an agreement in writing between the insurer and the insured respecting such a contract, provides that a person named in the contract or the agreement shall upon the death of the insured have all the rights and interests of the insured in the contract, then (*a*) the contract shall not, upon the death of the insured, form part of his estate; and (*b*) the person named in the contract or agreement shall, upon the death of the insured, have all the rights and interests of the insured in the contract and shall be deemed to be the insured. However, the insured may, prior to his death, deal with the contract as if a nomination had not been made, and may alter or revoke a nomination by agreement in writing with the insurer.

Another new provision declares that, where a contract of life insurance is assigned, otherwise than as security for a loan or debt, to the person whose life is insured, that person shall thereupon be deemed to be the insured.

Book Agents.—An amendment (No. 90) to the Book Agents Act prohibits the issue of a municipal licence unless the applicant produces a subsisting Provincial licence.

Mental Hygiene.—The Mental Hygiene Act was amended (No. 92) to provide for detention of patients in mental institutions on the authority of certificates of two medical practitioners or a magistrate's certificate, without reference to the Commissioner of Mental Services in the Department of Public Health. That official, however, receives notification of all admissions to institutions. Other amendments permit a judge of the Court of King's Bench to order the discharge of

a patient from an institution upon application by any interested party and after examination by two psychiatrists if the judge deems an examination necessary.

Public Health.—Amendment (No. 99) to the Public Health Act authorizes the Minister of Public Health (*a*) to provide public health services (preventive health services) in any health region or part of a health region; (*b*) to pay part or the whole of the costs of such services; (*c*) to provide for the appointment of a medical and sanitary staff for a health region; and (*d*) to determine what portion of the costs of public health services in a health region shall be paid by the region. Those provisions were transferred from the Health Services Act, 1946. Other amendments provide that the regional board of each health region established under that Act shall be the board of health of the region for the purposes of the Public Health Act, and define the powers and duties of the regional board for those purposes. The regional board is also empowered to order the closing of any school for the purpose of preventing or checking the spread of any communicable disease.

Health Services.—Numerous amendments (No. 100) were made to the Health Services Act, 1946. Persons of the full age of eighteen years (hitherto twenty-one years) may now vote on the question of establishment of a health region. Parts of the Act relating to preventive health services were repealed and placed in the Public Health Act. Provision was made for the establishment of health districts within health regions. The provisions relating to liability for and collection and payment of the personal tax were revised with some elaboration. More extensive powers to make regulations were conferred upon regional boards. The provisions governing registration of residents were clarified; and new sections were added requiring group health associations to file their by-laws and make returns showing their premium rates and services provided to members, and providing for inspection of their affairs by the Health Services Planning Commission.

Child Welfare.—A section replaced by No. 106 in the Child Welfare Act, 1946, requires children's aid societies to make semi-annual financial returns and reports upon their work to the Minister of Social Welfare. Other new sections place with the Director of Social Welfare limited control with respect to the operations of agencies engaged in placing immigrant children in the Province where such children do not reside in the home of their parents or step-parents.

Workmen's Compensation.—An amendment (No. 107) to the Workmen's Compensation (Accident Fund) Act provides that, where an employer carries himself on the pay-roll or where an executive officer of a corporation is carried on the pay-roll, at a salary not exceeding $3,000 (originally $2,000 and since 1946 $2,500) per annum, he may be classed as a workman for the purposes of the Act. Other amendments further increase the compensation (increased in 1946) payable to the dependants of a workman in case of his death through injury.

Hours of Work.—The Hours of Work Act, 1947, which established a forty-four-hour week, provided that, where hours of work on the coming into force of the Act exceeded forty four a week, the rate of wages could not be reduced until one year thereafter. An amendment (No. 109) extended that period to eighteen months.

Union Hospitals.—An amendment (No. 111) to the Union Hospital Act, 1947, makes some changes in the procedure to be followed upon petition for extension of a union hospital district, and another amendment makes provision for the amalgamation of districts.

Professional Acts.—The Legal Profession Act and other professional Acts were amended in accordance with a resolution of the Legislative Assembly at its 1947 session. Each professional society must file its by-laws with the Provincial Secretary. The by-laws are subject to review by the Assembly and, if found to be *ultra vires* or in any way prejudicial to the public interest, thereupon cease to have effect. Each society must also file lists of its members and the names of members who have been suspended from practice or dismissed from membership, and a designated Minister of the Crown is authorized to review any suspension or dismissal. If the Minister is of opinion that any suspension or dismissal is unjust or contrary to the

public interest, he may (*a*) request reconsideration by the society; (*b*) appoint a board of arbitration to hear the case and render decision thereon; or (*c*) institute an appeal to the proper Court; but those powers do not affect any statutory right of appeal.

Consolidations.—Several Acts were consolidated and enacted in revised form, namely, the Mineral Taxation Act, 1944, the Credit Union Act, the School Assessment Act, 1941, the Dairy Products Act, the Saskatchewan Hospitalization Act, 1946, the Steam Boilers Act (now the Boiler and Pressure Vessel Act) and the Old Age and Blind Persons' Pensions Act, 1945.

11. NEWFOUNDLAND.

[*Contributed by* H. G. PUDDESTER, ESQ., K.C., LL.B.]

FORTY-ONE Acts were passed during the year 1948. Many of these are Acts of local application, Statutes which were subsequently repealed or minor amendments. The following are the most important enactments:

Child Welfare.—No. 1 amends the Welfare of Children Act, 1944, adding further restrictions on the employment of children, and prohibiting their admission to places of amusement during school hours and at other times. Special provision is made for the trial in certain cases of children of the age of fifteen years or more, and some new provisions are added relating to the adoption of children.

Food.—No. 2 amends the Food and Drugs Act, 1943, giving the Government power to prohibit by regulation the entry into Newfoundland of any article of food which does not conform to the standard or quality prescribed by the regulations.

Labrador Railway.—No. 3 authorizes the Quebec North Shore and Labrador Railway Company to construct a railway through Labrador and grants to the company certain rights and powers necessary for such construction. The railway is to be constructed to further the development of mineral rights in Labrador granted to the Labrador Mining and Exploration Company Limited.

Referendum.—No. 9 provided for the holding of a referendum to ascertain the wish of the people of Newfoundland as to the form of government by which they were to be governed. The people were to select one of three forms of government. Under this Act two referenda were held in the year 1948, and a majority of the electorate voted for Confederation with Canada.

Fisheries Assistance.—No. 10 establishes a fund known as the Fisheries Assistance Fund for the establishment and development of new markets for salt codfish and encouraging and assisting the development of the fishery industry generally.

American Bases.—No. 15 authorizes the Government of Newfoundland to execute a lease to the United States of America enlarging the area of certain sites already held by the lessee and leasing additional lands to them.

Export and Sale of Bait Fishes.—No. 16 suspends for a period the application of c. 156 of the Consolidated Statutes (Third Series), entitled " Of the Export and Sale of Bait Fishes," in respect of herring.

Fire Patrol.—No. 20 authorizes the Government of Newfoundland to make an agreement with any persons who own or are interested in timber areas in Newfoundland for the constitution of an Association devoted to forest protection. This Association is to be responsible for the establishment and maintenance of a fire patrol in Newfoundland.

Shipbuilding.—No. 29 extends the period during which a bounty may be paid by the Government in respect of the construction of certain types of vessels.

Workmen's Compensation.—No. 30 obliges every employer to pay compensation in respect of the injury or death of any workman where the injury or death arises out of or in the course of his employment. This Statute replaces c. 212 of the Consolidated Statutes (Third Series), which is repealed. It is wider in its applica-

tion than the repealed Act, and the amount of compensation payable under it is larger. The Act did not come into force until January 1, 1949, and does not apply in respect of any accident which occurred before that date.

Rent Restrictions.—No. 36 is an amendment of the Rent Restrictions Act, 1943. Provision is made for the increase of rents to offset an increase in municipal taxation. A penalty is imposed on any person who demands or receives any rent in excess of that permitted under the principal Act.

Salt Codfish.—No. 38 provides for the conversion to dollars of sterling received as payment for salt codfish produced in Newfoundland in 1948 and sold in Portugal, Spain, Italy or Greece where payment in dollars could not have been obtained. Conversion is to be effected by the payment of dollars out of the Consolidated Revenue Fund of Newfoundland, and not more than $3,000,000 may be used for this purpose.

12. BERMUDA.

1947.

Motor-cars.—The Consular Officer for the time being in charge of the Consulate General of the United States is allowed by No. 1 " the temporary use of an oversized private motor-car." No. 7, amended by No. 26, is a similar measure relating to a motor-car owned by a medical practitioner. The general law relating to motor-cars is amended by Nos. 22 and 64.

War Service Pensions.—Comprehensive provision is made by No. 2 and amended by No. 13 for the grant of pensions to members of the Forces disabled in the Second World War and to widows and other dependents of service personnel. It also amends and includes the similar provisions in reference to the first World War, thus repealing Acts passed in 1919, 1921, 1922 and 1925.

Statute Law Revision.—The compilation of the laws authorised by an Act of 1945, extended by an Act of 1946, is further extended by No. 11 so that the compilation may include the year 1947.

Daylight Saving.—Daylight Saving is introduced into the Colony by No. 12.

Radio Set Licences.—By No. 16 no licence shall be necessary and no fee shall be payable in respect of the use of a private radio set.

Highways.—Provision is made by No. 17 for the acquisition and improvement by the Board of Public Works of certain private roads.

Road Traffic.—The whole of the law relating to the use of private roads is consolidated in No. 27 as amended by No. 47. A schedule contains the provisions of the traffic code as generally familiar in the United Kingdom.

Public Holidays.—By No. 35 the public holidays include May 24, Empire Day, the day appointed to be observed as His Majesty's birthday, Cup Match Day, the Thursday before the first Monday in August, Somers Day, the Friday before the first Monday in August and November 11, Remembrance Day.

Illegitimate Children.—By No. 40 provision is made for children born out of wedlock by the payment of maintenance by the putative father. The Governor may appoint Collecting Officers to secure the payments under the direction of the Court. The Act was amended by No. 63.

Married Women's Protection.—The Collecting Officer appointed under the preceding Act has a further duty assigned to him by No. 41. It devolves upon him to collect the sums of money due under Orders of alimony or maintenance.

Liquor Licensing.—Special provision for the sale of intoxicating liquor on premises used for the purpose of providing recreational facilities for members of His Majesty's Forces, the United States Forces or for seamen is made by No. 53.

III. AUSTRALIA.

1. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* J. Q. Ewens, Esq., LL.B., *Parliamentary Draftsman.*]

Acts passed, 93.

Several noteworthy Acts were passed during the year. These were the Australian Broadcasting Act, the Australian Capital Territory Representation Act, the Commonwealth Electoral Act, the Defence Forces Retirement Benefits Act, the National Health Service Act, the Parliamentary Retiring Allowances Act and the Representation Act.

Acoustic Laboratories.—The Acoustic Laboratories Act (No. 15) enables the Minister to establish, maintain and operate acoustic laboratories for scientific investigations, including tests in respect of hearing aids and their application to the needs of individuals and in respect of problems associated with noise as it affects individuals.

Acts Interpretation.—The Acts Interpretation Act (No. 79) amends the Acts Interpretation Act 1901–47. It varies a provision relating to the reckoning of time and provides that where the last day of any period presented or allowed by an Act for the doing of anything falls on a Saturday, Sunday or on a Public or Bank Holiday, the thing may be done on the first day following which is not a Saturday, Sunday or Public or Bank Holiday. Previously, the provision referred only to a Sunday or a Public or Bank Holiday.

Airways.—The Qantas Empire Airways Act (No. 50) approves the purchase by the Commonwealth of Australia of certain shares in Qantas Empire Airways Limited and subscription by the Commonwealth to issues of capital by that Company. The purchase was made on July 3, 1947, of 261,500 shares in the Company for £455,000. The Commonwealth may subscribe to issues of capital by the Company.

Aliens.—The Aliens Deportation Act (No. 84) confers power on the Minister if it appears to him that the conduct and character of an alien is such that he should not be allowed to remain in Australia to summon him before a Commissioner appointed by the Governor-General. If the Commissioner reports that he considers the alien is not a fit and proper person to be allowed to remain in Australia or the alien fails to appear before the Commissioner the Minister may make an order for his deportation. The Act provides that the master, owner, agent or charterer of a vessel shall, when required so to do, receive on board any deportee for passage in accordance with the order for deportation. A deportee may be kept in custody pending deportation. It is an offence to conceal, receive or harbour a deportee when knowing him to be such a deportee.

Apples and Pears.—The Apple and Pear Organization Act (No. 27) amends the Apple and Pear Organization Act 1938–47 to provide that the members of the Australian Apple and Pear Board representing the growers shall be growers of apples or pears or apples and pears for the purposes of the Act.

Assistance to States.—The States Grants Act (No. 51) grants and applies the sum of £6,750,000 for the purposes of financial assistance to the States of South Australia, Western Australia and Tasmania. Of this amount £2,250,000 is payable to South Australia, £3,600,000 to Western Australia and £900,000 to Tasmania. The States Grants (Administration of Controls Reimbursement) Act (No. 56) is an Act " to make provision for the grant of financial assistance to the States in connexion with the administration of prices, rents and land sales controls." The Treasurer is authorized to make advances to the States of such amounts as he thinks fit on account of the amount spent by the States in administering prices, rents and land sales controls during the financial year which commenced on July 1, 1948. The States Grants (Tax Reimbursement) Act (No. 43) amends the States Grants (Tax Reimbursement) Act, 1946–7, by increasing the aggregate

amount which may be paid to the States from £40,000,000 to £55,000,000. The Western Australia Grant Act (No. 26) grants and applies out of the Consolidated Revenue Fund a sum of £1,000,000 for the purpose of financial assistance to the State of Western Australia. The Western Australia Grant (Water Supply) Act (No. 52) grants and applies out of the Consolidated Revenue Fund a sum not exceeding £2,150,000 for the purposes of financial assistance to the State of Western Australia. The amount granted is to be one-half of the amount spent by that State in reticulating water for certain mixed-farming districts of the State and to towns along the Great Southern Railway of the State, and also for increasing the supply of water to the Eastern Goldfields areas of the State.

Audit.—The Audit Act (No. 60) makes extensive machinery amendments to the Audit Act, 1901–47. A new section provides that the Auditor-General shall have full and free access to all accounts, books, documents and papers in the possession of any authority established or appointed under any law of the Commonwealth. The Auditor-General is further authorized to examine accounts of stores of all Departments, and to take such steps as he deems necessary to satisfy himself that the stores have been properly accounted for. The Treasurer is empowered to delegate all or any of his powers and functions under the Act. He may also guarantee the repayment to the Commonwealth Bank of Australia of any loan made for the purposes of the Commonwealth by that bank to any person.

Banking.—The Commonwealth Bank Act (No. 68) amends the Commonwealth Bank Act, 1945. It increases the amount of a loan which may be made by the Mortgage Bank Department from £5,000 to £10,000. It also raises the maximum amount of a housing loan from £1,250 to £1,750.

Broadcasting.—The Australian Broadcasting Act (No. 64) amends the Australian Broadcasting Act, 1942–6. The principal amendment inserts provisions which establish and constitute the Australian Broadcasting Control Board. The Board is to consist of three members appointed by the Governor-General. The functions of the Board are to ensure the provision of services by broadcasting stations, television stations and facsimile stations in accordance with plans prepared by the Board and approved by the Minister, to ensure that the technical equipment and operation of such stations are in accordance with standards and practices as the Board considers appropriate, and to ensure that adequate and comprehensive programmes are provided by such stations to serve the best interests of the general public. The Board is required to consult the Australian Broadcasting Commission in relation to the provision of programmes. In particular, the Board is to ensure a reasonable variety of programmes, and to ensure that divine worship or other matter of a religious nature is broadcast for adequate periods and at appropriate times. It is to ensure that facilities are provided on an equitable basis for the broadcasting of political or controversial matter, to determine the extent to which advertisements may be broadcast, and to fix the hours of service of broadcasting stations, television stations and facsimile stations. The Board has power, subject to the directions of the Minister, to determine the situation and operating power of a broadcasting station, to determine its frequency and to regulate the establishment of networks of broadcasting stations. The Board is authorized to make orders and give directions. Orders made by the Board have the force of law. The Act makes other amendments of a machinery nature.

Coal.—The Coal Production (War-time) Act Repeal Act (No. 80) enacts that the Governor-General may from time to time by Proclamation declare that on a date specified in the Proclamation the Coal Production (War-time) Act, 1944, shall cease to be in operation in a State named in the Proclamation, and thereupon the Act shall be deemed to be repealed on the date so specified in respect of its operation in that State. On such declaration any property in the State named in the Proclamation which was vested in the Commonwealth Coal Commissioner becomes vested in the Commonwealth. The Act enables the Joint Coal Board to collect statistics relating to the production, distribution and use of coal.

Customs.—The Customs Tariff (No. 1) amends the Schedule to the Customs Tariff, 1933–9. The articles affected are spirits, tobacco, dry batteries and dry cells, petroleum and shale products, benzol, naphtha and carbonic-acid gas. The Customs Tariff (No. 2) (No. 5) further amends the Schedule to the Customs Tariff. The principal amendment omits every provision providing for an additional duty calculated upon each £1 by which the equivalent in Australian currency of £100 sterling is less than £125 at the date of exportation. The Customs Tariff (No. 3) (No. 9) extensively amends the Schedule to the Customs Tariff. The Customs Tariff (No. 4) (No. 12) further amends the Schedule to the Customs Tariff. The principal articles affected are ales, spirits and beverages, tobacco, dates, matches, playing cards and articles imported for diplomatic representatives. The Customs Tariff (No. 5) (No. 92) effects amendments to the Schedule to the Customs Tariff. The items of the Tariff include matches and vestas, towelling, cotton cloths, nicotine and rotenone spraying preparations and vacuum cleaners. The Customs Tariff (Canadian Preference) (No. 7) amends the Schedule to the Customs Tariff (Canadian Preference), 1934–9. The items of the tariff affected include barbed wire, timber, plywood, veneers, goloshes and certain vehicle parts. The Customs Tariff (Canadian Preference) (No. 2) (No. 11) makes further amendments to the Schedule to the Customs Tariff (Canadian Preference). The items relate to typewriters, timber, veneers, chassis and carpet sweepers. The Customs Tariff (Canadian Preference) (No. 3) (No. 13) effects an amendment to the Schedule to the Customs Tariff (Canadian Preference) in relation to gears for vehicles with self-contained power. The Customs Tariff (Exchange Adjustment) Act Repeal Act (No. 8) repeals certain Acts relating to the adjustments of duties of Customs. The Customs Tariff (New Zealand Preference) (No. 6) extensively amends the Schedule to the Customs Tariff (New Zealand) Preference, 1933–4. The Customs Tariff (New Zealand Preference) (No. 2) (No. 10) further amends the Schedule to the Customs Tariff (New Zealand Preference). The items affected include soap, gelatine, jewellery, leather and brushes. The Customs Tariff (Southern Rhodesian Preference) (No. 2) amends the Schedule to the Customs Tariff (Southern Rhodesian Preference), 1941, in relation to unmanufactured tobacco. The Customs Tariff Validation Act (No. 24) validates the collection of duties of Customs under the Customs Tariff Proposals introduced into the House of Representatives on June 2, 1948.

Defence.—The Defence Forces Retirement Benefits Act (No. 31) is an Act " to provide retirement benefits for members of the permanent defence forces of the Commonwealth." The Act constitutes a Defence Forces Retirement Benefits Board and a Defence Forces Retirement Benefits Fund. The Act applies to officers and male members of the permanent naval forces, permanent military forces and permanent air forces of the Commonwealth on full-time continuous service. Contributions are payable by members and by the Commonwealth. Pensions are payable on retirement of members, on incapacity, on the death of a married member and in respect of orphans. The Defence (Transitional Provisions) Act (No. 88) amends the Defence (Transitional Provisions) Act, 1946–7. It continues in force till December 3, 1949, some of the regulations in force under that Act while it discontinues some of the other regulations so made.

Electoral.—The Commonwealth Electoral Act (No. 17) amends the Commonwealth Electoral Act, 1918–46, and the Senate Elections Act, 1903–22. It makes provision for the application of proportional representation to the election of Senators. Prior to 1918, Senators were elected by the " first past the post " method. Each voter placed a cross opposite the name of the candidates for whom he desired to vote, the number of crosses permitted being equal to the number of Senators to be elected. Where three Senators were required, the three candidates with the greatest number of crosses were chosen. In 1918 the " preferential block majority " system was introduced. This system continued the principle of the old " first past the post " system in that under it generally all seats in a State

went to the party or combination of party favoured at the time by a bare or simple majority of the electors. The system used since 1918 was an improvement on the old system only in so far as it ensured majority representation as against possible minority representation. Both the " first past the post " system and the " preferential block majority " system had the defect that usually all seats in a State were won by candidates of the same party, leaving a minority of between 40 and 50 per cent. of the electors without any representation in the Senate. The Act sets out in detail the method of counting to be adopted for future Senate elections. The method is generally in accord with the principles approved by the Proportional Representation Society and follows closely the Proportional Representation Bill, 1912, of Great Britain and the system employed for municipal elections in the United Kingdom and South Africa. It is virtually identical with the method used in the election of the Parliament of Ireland, and is similar to the system which was employed for parliamentary elections in New South Wales from 1920 to 1925. In principle, the method is the same as that used in Tasmania, although, for reasons of workability and simplicity, it differs slightly in its practical application. The method of disposing of an elected candidate's surplus votes is that recommended by the Proportional Representation Society, and is the same as that used in the Parliament of Ireland and in municipal elections in Great Britain and South Africa; it is similar to the method formerly employed in connexion with the parliamentary elections in New South Wales. It differs from the Tasmanian practice in that whereas in Tasmania all the votes of the elected candidate are transferred at a fractional value, under this Act only such number of votes as equals the surplus, taken in proportion to the preferences on the whole of the votes of the elected candidate, are transferred. The Tasmanian system is suitable where the number of votes is comparatively small and all the votes are concentrated at one centre, but is not suitable for elections of the Senate, where the opposite conditions prevail. The Act makes a consequential amendment to the Senate Elections Act, 1903–22. The Australian Capital Territory Representation Act (No. 57) is an Act to provide for the representation of the Australian Capital Territory in the Commonwealth Parliament. Such representation is to consist of one member of the House of Representatives. The member elected may vote on any motion for the disallowance of any Ordinance of the Australian Capital Territory or on any amendment of such motion. Otherwise he is not entitled to vote on any question arising in the House of Representatives.

Excise.—Excise Tariff (No. 3) amends the Schedule to the Excise Tariff, 1921–39. The excise duties affected are those imposed on petroleum or shale products, shale distillates and coal-tar and coke-oven distillates. The Excise Tariff (No. 2) (No. 4) further amends the Schedule to the Excise Tariff, by modifying the excise duty payable on spirit for fortifying Australian wine. The Excise Tariff (No. 3) (No. 14) makes further amendments to the Excise Tariff. The principal items affected relate to ale, brandy, whisky, tobacco, cigarettes, playing cards, matches and valves for wireless telegraphy. The Excise Tariff (No. 4) (No. 93) makes some additional amendments to the Excise Tariff in relation to duties imposed on liqueurs, articles produced from shale and matches. The Excise Tariff Validation Act (No. 23) validates the collections of duties of excise demanded or collected pursuant to the Excise Tariff Proposals introduced into the House of Representatives on June 2, 1948.

Export.—The Egg Export Control Act (No. 63) makes a small amendment to the Egg Export Control Act, 1947, under which a member of the Board constituted under that Act who was an officer of the Public Service of the Commonwealth is to retain all his existing and accruing rights as if his service with the Board were service in the Public Service.

External Affairs.—The International Organizations (Privileges and Immunities) Act (No. 72) approves the accession by Australia to the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly

of the United Nations on February 16, 1946. The Act provides that except with the consent in writing of the Minister a person shall not assume or use in connexion with any trade, business, calling or profession the name, official seal or emblem of the United Nations or any seal or emblem so nearly resembling it as to be likely to deceive. The Governor-General is empowered to make regulations for giving effect to the Convention. The International Trade Organization Act (No. 73) approves the depositing by Australia with the Secretary-General of the United Nations of instruments of acceptance of the General Agreement on Tariffs and Trade signed at Geneva on October 30, 1947, and of the Havana Charter for an International Trade Organization signed at Havana on March 24, 1948.

Hides and Leather.—The Hides and Leather Industries Act (No. 71) constitutes the Australian Hide and Leather Industries Board, which consists of eleven members. Six of these are to be cattle raisers, one a hide broker, one a hide merchant, one a representative of Australian meatworks, one a master tanner and one a representative of the Australian Leather and Allied Trades Employees' Federation. The Board is to prepare a table of limits containing lists of appraisement types of hides and the prices of those types. The Board may license persons to export leather from Australia.

H.M.A.S. Sydney.—The H.M.A.S. Sydney Replacement Fund Act (No. 34) relates to the expenditure of moneys standing to the credit of the H.M.A.S. Sydney Replacement Fund. It provides that the Treasurer may authorize the expenditure of moneys standing to the credit of the trust account established under s. 62A of the Audit Act and known as the H.M.A.S. Sydney Replacement Fund for the purposes of the purchase or construction of an aircraft carrier for the Royal Australian Navy to be named " Sydney."

Hospitals.—The Hospital Benefits Act (No. 82) amends the Hospital Benefits Act, 1945–7, to authorize the execution of agreements with the States to amend agreements entered into with them in respect of the provision of hospital benefits.

Housing.—The Loan (Housing) Act (No. 54) authorizes the Treasurer to borrow money not exceeding the sum of £14,000,000 for making advances to the States for the purposes of housing in pursuance of the Agreement the execution of which is authorized by the Commonwealth and State Housing Agreement Act, 1945.

Immigration.—The Immigration Act (No. 86) amends the Immigration Act 1901–40. The principal amendments provide for the registration of agents for arranging or securing passages for intending immigrants to Australia. A person is not to demand or receive any fee for such services unless he is registered as a registered agent. The Act makes provision for maximum fees and for penalties. The Immigration (Guardianship of Children) Act (No. 62) makes some small amendments to the Immigration (Guardianship of Children) Act, 1946. It inserts a provision to the effect that an immigrant child shall not leave Australia except with the consent in writing of the Minister, who shall not refuse to grant such consent unless he is satisfied that the granting of the consent would be prejudicial to the interest of the immigrant child.

Industrial Arbitration.—The Commonwealth Conciliation and Arbitration Act (No. 77) amends the Commonwealth Conciliation and Arbitration Act, 1904–48, to confer on the Commonwealth Court of Conciliation and Arbitration the sole power of determining the minimum rate of remuneration for adult females in an industry. The Kemira Tunnel (Arbitration) Act (No. 55) is an Act to provide means for the determination of questions relating to the employment of persons in the construction of the Kemira Tunnel in the County of Camden in New South Wales. The Act provides that the Governor-General may enter into an arrangement with the Governor of the State of New South Wales for the appointment of an Arbitrator. The person appointed Arbitrator is to be a Judge of the High Court of Australia or of the Commonwealth Court of Conciliation and Arbitration or of the Supreme Court of a State, or a member of the Industrial Commission of New South Wales, or a barrister or solicitor of the High Court of Australia of no

ess than five years' standing. The Act confers power on the arbitrator to conduct an inquiry for the purposes of determining whether or not the members of any particular industrial union should enjoy the right to carry out the work of constructing the Kemira Tunnel.

Judges' Pensions.—The Judges' Pensions Act, 1948 (No. 65), makes provision for pensions for Judges of Courts established under laws of the Commonwealth and for the families of such Judges. The Act applies to Justices of the High Court, Judges of the Commonwealth Court of Conciliation and Arbitration, Judges of the Federal Court of Bankruptcy, the Judge of the Supreme Court of the Australian Capital Territory and to Judges of the Federal Court of Claims. Where a Judge who has attained the age of 60 years retires after serving as a Judge for not ess than ten years he is, on retiring, entitled to an annual pension at the rate of 27½ per cent. of his salary and to an additional pension at the rate of 2½ per cent. for each completed year of service in excess of ten years but not exceeding 40 per cent. of salary. A pension is payable to the widow of a Judge who dies before retirement and also to the widow of a retired Judge.

Mental Institutions.—The Mental Institution Benefits Act (No. 78) authorizes he execution on behalf of the Commonwealth of agreements with all or any of the States relating to the provision of mental institution benefits substantially in accordance with the heads of agreement. These provide for the payment by the Commonwealth to the States by way of financial assistance in respect of qualified persons in mental institutions.

National Health.—The National Health Service Act (No. 81) provides for the establishment of national health services. It empowers the Director-General, subject to the directions of the Minister, to provide prescribed medical services and dental services. These services may include general medical or dental practitioner services, consultant and specialist service, ophthalmic service, maternal and child health services, aerial medical and dental services, diagnostic and therapeutic services, convalescent and after-care services and nursing services. The Governor-General may enter into an arrangement with the Governor of a State for the performance by that State of any service in connexion with a national health service. Regulations may be made for prescribing matters for or in relation to the establishment, maintenance or conduct of any national health service, the terms and conditions subject to which a national health service may be made available, the persons or classes of persons to whom a national health service may be made available, the duties and functions of persons performing any service in connexion with a national health service and the payment of remuneration and allowances to persons providing professional services for the purpose of a national health service.

Nationality.—The Nationality and Citizenship Act (No. 83) repeals the Nationality Act and re-enacts new provisions as to British nationality and Australian citizenship. A person who, under the Act, is an Australian citizen is, by virtue of that citizenship, a British subject. Australian citizenship may be acquired by birth, descent, registration or naturalization. It may be lost by acquisition of another nationality, renunciation, by reason of service in the armed forces of an enemy country or by residence outside Australia. The Minister may deprive an Australian citizen of any citizenship which has been acquired by registration or naturalization.

Parliament.—The Parliamentary Retiring Allowance Act (No. 89) makes provision for contributory retiring allowances for persons who have serviced as members of the Commonwealth Parliament. The Act establishes a Parliamentary Retiring Allowances Trust and a Parliamentary Retiring Allowances Fund. The Trust is constituted by five trustees—the Treasurer, two Senators and two members of the House of Representatives. A member is to contribute to the fund at the rate of £156 per annum. The Commonwealth is to pay into the Fund an amount equal to 60 per cent. of each amount paid out of the Fund as pension, and an amount equal to the Commonwealth supplement payable to any person. If

the period of service of a member who retires voluntarily is not less than eight years and he has attained the age of 45 years, a pension of £8 per week is payable during his lifetime. A pension is also payable to the widow of a deceased member.

The primary object of the Representation Act (No. 16) is to bring about an increase in the number of members of the House of Representatives by two-thirds. S. 24 of the Constitution provides that the number of members of the House of Representatives must always be " as nearly as practicable " twice the number of Senators. If, therefore, the number of members of the House of Representatives is to be increased there must be a proportional increase in the number of Senators. This Act increases the number of Senators for each State from 6 to 10 and the total number of Senators from 36 to 60, thereby permitting an increase in the number of members of the House of Representatives from 74 to 121. S. 14 of the Constitution provides that, whenever the number of Senators is increased or diminished, Parliament may make such provision for the vacating of places of Senators as it deems necessary to maintain regularity in the rotation. The Act contains rather complicated provisions under which one-half of the additional number of Senators elected at the next Senate election will hold office for the full term of six years, whilst the other half will cease to hold office at the expiration of three years, thereby bringing about regularity in the rotation.

Passports.—The Passports Act (No. 85) amends the Passports Act, 1938. It enables an officer authorized in that behalf by the Minister to issue Australian passports to Australian citizens and to British subjects who are not Australian citizens.

Primary Produce.—The Primary Produce Export Charges Repeal Act (No. 28) repeals the Primary Produce Export Organization Act, 1935, and the Primary Produce Export Charges Act, 1935–8. It also provides that the Egg Producers' Council and the Australian Apple and Pear Export Council shall each be liable to pay to the Australian Egg Board and the Australian Apple and Pear Board respectively all moneys paid to each Council which have not been expended before the commencement of the Act.

Public Service.—The Commonwealth Public Service Act (No. 35) provides for the transfer to the Commonwealth Public Service of certain employees of the Commonwealth. These are persons who were employed under the Defence Act in a civil capacity or in a similar capacity under the Naval Defence Act. Others transferred are those employed under the Supply and Development Act and under the National Security (Munitions) Regulations. The Act also confers power on the Public Service Board to appoint to the Commonwealth Service certain ex-employees of the Melbourne Harbour Trust engaged on work in connexion with the Williamstown Dockyard. The Commonwealth Public Service Act (No. 2) (No. 75) provides for the transfer to the Commonwealth Service of certain employees of the Commonwealth Council for Scientific and Industrial Research. The Commonwealth Employees' Compensation Act (No. 61) makes considerable amendments to the Commonwealth Employees' Compensation Act, 1930–44. It increases to £1,000 the amount of compensation payable and in addition the amount payable in respect of each dependant child is increased from £25 to £50. Where an employee is totally incapacitated for work, the weekly payment during incapacity is increased from £3 per week to £4 per week. The maximum amount to which weekly payments may accrue is increased from £1,000 to £1,250. Compensation for many specified injuries is also increased. Compensation in respect of personal injuries is payable where an injury arises out of employment or in the course of such employment. The Superannuation Act (No. 19) amends the Superannuation Act, 1922–47. It grants pensions to certain officers of the Permanent Military Forces who have retired before they reached the appropriate retiring ages. The Act repeals Part IVA, which relates to contributors attached to the Permanent Military and Air Forces. It also extends to ex-State Officers in receipt of pensions an increase of 25 per cent. in their pensions. The Transferred Officers' Allowance Act (No. 20) provides for the pay-

ment of allowances to certain officers of States who, having been transferred from the Public Service of a State to the Commonwealth, are entitled to retire or have retired from office on pensions or retiring allowances permitted by State law.

Repatriation.—The Australian Soldiers' Repatriation Act (No. 39) amends the Australian Soldiers' Repatriation Act, 1920–47. It increases the rate of general pension payable on total incapacity from £5 per fortnight to £5 10*s*. per fortnight. It also increases the amount of pension which may be paid to a widow of a deceased member to £6 per fortnight. The maximum rate of a service pension is also increased from £10 2*s*. per fortnight to £10 12*s*. per fortnight. Other amendments modify the provisions of the Act relating to the reduction of a pension where the pensioner has accumulated property.

River Murray.—The River Murray Waters Act (No. 90) ratifies and approves an agreement for the further variation of the agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States of New South Wales, Victoria and South Australia respecting the River Murray and Lake Victoria and other waters.

Roads.—The Commonwealth Aid Roads and Works Act (No. 91) amends the Commonwealth Aid Roads and Works Act, 1947, by providing for the payment to the States of an additional £1,000,000 per year for the construction and maintenance of roads.

Supply and Development.—The Supply and Development Act (No. 18) amends the Supply and Development Act, 1939–44. It repeals the definition of "munitions" and adds the definition of "war material," which embraces armaments, weapons (including long-range weapons), ammunition, engines, magazines, aircraft, vehicles, merchant ships and other marine craft, equipment, supplies, baggage and other things needed in war. The Governor-General is authorized to add to or vary any matters to be administered by the Department of Supply and Development and to determine the extent to which, or the conditions upon which, any matter may be administered by the Department. The Act provides that the National Security (Munitions) Regulations and the National Security (Shipbuilding) Regulations shall be in force by virtue of the Act. The Act enables regulations to be made for the requisitioning or compulsory acquisition of minerals required for defence and the building, repair and maintenance of merchant ships and shipyards.

Social Services.—The Social Services Consolidation Act (No. 38) amends the Social Services Consolidations Act, 1947. It increases the maximum rate of age, invalid and widows' pensions by 5*s*. per week. It increases from 20*s*. to 30*s*. the weekly amount of income which all classes of pensioners may have without the rate of pension being affected. It raises the property qualification from £650 to £750, and increases child endowment from 7*s*. 6*d*. to 10*s*. per week. The Social Services Consolidation Act (No. 2) (No. 69) further amends the Social Services Consolidation Act. The principal amendments relate to the rehabilitation of physically handicapped persons. The Director-General may provide for the treatment and vocational training of pensioners and claimants for pensions, and of beneficiaries and claimants for benefits. A person is not eligible to receive treatment or training unless he is suffering from a physical or mental disability which has existed for a certain time, is a substantial handicap to his engaging in a suitable vocation and is remediable. The Act also enables the Director-General to provide medical appliances and tools of trade. The Social Services Contribution Act (No. 51) amends the Social Services Contribution Act 1945–7. It provides for a reduction in the rate of Social Services contribution. The basic rate of contribution will commence at 3*d*. in the £1 and the maximum rate of 18*d*. in the £1 will not apply until an income of £350 is reached. The Social Services Contribution Assessment Act (No. 50) makes some small machinery amendments to the Social Services Contribution Assessment Act, 1945–7.

Taxation.—(i) *Income Tax.*—The Income Tax Act (No. 45) imposes rates of

income tax to be levied and paid on taxable income for the financial year commencing on July 1, 1948. On personal exertion the rate varies from 21·03 pence for every £1 to 162 pence in the £1. The rate of tax or income derived from property is 30·06 pence for every £1 if the taxable income does not exceed £500. If the taxable income exceeds £5,000 the rate is 162 pence for every £1 of the excess. The rate of company tax is 60 pence for every £1. The Income Tax Assessment Act (No. 44) amends the Income Tax Assessment Act, 1936–47. The principal amendments relate to the assessment of tax on the undistributed income of a private company. A private company is defined as a company all of the issued shares of which are held by not more than twenty persons, a company in which the major portion of the voting power is capable of being exercised by one person or by not more than seven persons, or a company the voting power in which is, to the extent of not less than 75 per cent., capable of being exercised by one person or by persons not more than seven in number. The definition excludes a company in which the public are substantially interested or a subsidiary of a public company. The Act provides that where a private company has not made a sufficient distribution of its income, the Commissioner may assess the aggregate additional amount of tax which would have been payable by its shareholders if the company had paid the undistributed amount as a dividend to the shareholders. Each shareholder in the company is deemed to be a taxpayer whose income is derived wholly from property and is taxable as such.

(ii) *Sales Tax.*—The Sales Tax (Exemptions and Classifications) Act (No. 42) amends the Sales Tax (Exemptions and Classifications) Act, 1935–47. It provides for further exemptions from tax and reduces the tax on certain goods from 25 per cent. to 10 per cent. In the former class are many articles of clothing and household drapery. In the second are articles of plated ware and pewter.

Trade Marks.—The Trade Marks Act (No. 76) amends the Trade Marks Act, 1905–36. It provides that a person other than the proprietor of a registered trade mark may be registered as a registered user of the trade mark in respect of any goods. The use of a registered trade mark by a registered user is the permitted use of the trade mark. A new section enables assignment and transmission of trade marks without the goodwill of the business.

Tuberculosis.—The Tuberculosis Act (No. 46) repeals the Tuberculosis Act, 1945 and the Tuberculosis Act, 1946. It provides that the Governor-General may enter into an arrangement with the Governor of a State for the provision by the State of services and facilities for the diagnosis, treatment and control of tuberculosis. The Director-General of Health is authorized, subject to the direction of the Minister, to take steps for the establishment and conduct of hospitals, sanatoria, laboratories, diagnostic centres and other facilities for such diagnosis, treatment and control. Payments may be made to sufferers from tuberculosis who are undergoing treatment.

United Kingdom Grant.—The United Kingdom Grant Act (No. 58) grants and applies the sum of £10,000,000 as a grant to His Majesty's Government in the United Kingdom.

Weights and Measures.—The Weights and Measures (National Standards) Act (No. 29) provides that regulations may be made to prescribed units of measurement of any physical quantity. The Commonwealth Council for Scientific and Industrial Research is to maintain one or more prescribed standards of measurement of a physical quantity to provide means by which measurements may be made in terms of the Commonwealth legal units of measurement. The Council is to maintain one or more prescribed working standards of measurement in respect of any physical quantity for which there is a Commonwealth standard of measurement. Measurements for legal purposes are to be ascertained in accordance with such standards. Trade contracts are to be in terms of Commonwealth legal units of measurement. Every means of measurement required by Commonwealth law

r the law of a State to be verified for any purpose is to be verified in terms of the ppropriate Commonwealth legal unit of measurement.

Whaling.—The Whaling Act (No. 66) makes certain machinery amendments of he Whaling Act, 1935, to give effect to the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946.

Wheat.—The Wheat Export Charge Act (No. 49) repeals the Wheat Export Charge Act, 1946, and the Wheat Export Charge Act (No. 2), 1946. Imposes a harge on all wheat and wheat products of the 1947–8 season and all subsequent easons which are exported from the Commonwealth. The rate of the charge per ushel is 50 per cent. of the amount by which the price per bushel at the date of ntry for export exceeds the guaranteed price as defined by the Wheat Industry tabilization Act, 1948. The Wheat Industry Stabilization Act (No. 48) repeals he Wheat Industry Stabilization Act, 1946, and certain provisions of the Wheat ndustry Stabilization Act (No. 2), 1946. Constitutes the Australian Wheat Board, which is to consist of twelve members, seven of whom are wheat growers. The Board is empowered to purchase or acquire wheat, sell wheat, grist wheat and o manage and control all matters connected with the handling, storage, protection, reatment, transfer or shipment of wheat purchased or otherwise acquired. The Act continues in force the National Security (Wheat Acquisition) Regulations and stablishes the Wheat Prices Stabilization Fund. The Wheat Tax (Repeal and Refund) Act (No. 47) repeals the Wheat Tax Act, 1946, and makes provision for he disposal of moneys received or retained by the Australian Wheat Board onstituted under the National Security (Wheat Acquisition) Regulations. The nternational Wheat Agreement Act (No. 21) approves the acceptance by Australia f the International Wheat Agreement signed at Washington in the United States f America on behalf of Australia and other countries. The Agreement was opened or signature on March 6, 1948.

Wool.—The Wool Realization (Distribution of Profits) Act (No. 87) is an Act to rovide for the distribution of any ultimate profit accruing to the Commonwealth nder the wool disposals plan. The Treasurer may declare the amount to be vailable for distribution under the Act after the wool disposals profit has been scertained. This amount is to be paid to persons who supply participating wool. Brokers are required to furnish returns of persons who submit participating wool or appraisement, and brokers may act as agents of the Australian Wool Realization Commission for the purposes of distribution of moneys under the Act.

2. NEW SOUTH WALES.[1]

1947.

Bankruptcy.—In no case where more than twenty years have elapsed since the questration of a bankrupt's estate may the official assignee or trustee of an unscharged bankrupt's estate lay claim to any realty or personalty of a bankrupt. s the principal Act now applies only to persons made bankrupt on petitions filed fore August 1, 1928 (in consequence of the Commonwealth assuming control as om that date of all matters relating to bankruptcy), the effect of the amendment o. 7) will be that by, say, 1949, all persons still undischarged bankrupts under ate law will hold their property free from the possibility of claim being made ainst it by the official assignee. Also abolished is the right of creditors of a nkrupt under State law to claim interest in any case at a rate in excess of 8 per nt., as reduced by the Interest Reduction Acts.

Coal and Oil Shale Mine Workers.—Payment of a subsidy is provided by No. 39 to tain mine workers incapacitated by the inhalation of dust which, together with nings, miner's pension, compensation payments, age or invalid pension and vice pension payable in respect of him and his dependants, would amount to the

[1] Abridged from a synopsis published in the *Australian Legislative Digest* for 1947.

maximum weekly rate of compensation which would have been payable to or in respect of such mine worker by way of worker's compensation had his incapacity been total. A Subsidy Fund is established for the payment of subsidies under the Act, and owners of coal and oil shale mines are required to make contributions to the Fund of such amounts as may be prescribed. A mine worker eligible for or in receipt of subsidy must register with specified Employment Agencies and accept available employment. Incidental and ancillary provisions are also included in the Act.

Coal Mines.—Provision is made in coal and shale mines for improvements in ventilating standards; the prescribing of standards of effective temperatures and air movements; more extensive treatment and prevention of coal dust; improved bathing accommodation; increased safety requirements in the installation and use of winding ropes and boilers; safer transport and signalling facilities; and additional safety precautions for shot firing and in connexion with the installation and operation of electrical apparatus.

Housing.—The Colonial Treasurer, with the approval of the Governor, may by No. 4 give indemnities to co-operative building societies against loss in respect of advances to members of such societies for the purpose of building or purchasing homes. The maximum loan for which an indemnity might be given was previously £1,250. In such cases the loan could amount to the full value of the security. The indemnity is given against so much of the loss sustained by the Society as is directly attributable to the fact that the loan exceeds 80 per cent. of the value of the security. Since the passing of the Co-operation (Amendment) Act, 1947, the maximum amount of advance in respect of which an indemnity may be given has been increased to £1,540 but only where the loan does not exceed 90 per cent. of the value of the security. In this case also the indemnity covers the amount by which the loan exceeds 80 per cent. of the value. The new provision is additional to and does not operate to the exclusion of the provision for advances up to a limit of £1,250.

A consequent amendment in No. 18 increases from £750,000 to £1,250,000 the amount of the total liability which may be incurred by the Colonial Treasurer in respect of all agreements entered into by him indemnifying co-operative building societies against loss.

The Housing (Amendment) Act, 1947, enables the Housing Commission to purchase or lease land in a direct manner by treaty with a vendor. If agreement with the owner of the land cannot be reached the land may be resumed, the owner being protected by the provisions of the Public Works Act and the Valuation of Land Act with regard to any claim for compensation. The Act also facilitates the return of land to its original owner on the same basis as that operating prior to resumption. The maximum advance that may be made to assist people to acquire their own homes is increased from £1,000 to £1,540, and the permissible gross income of applicants for advances from £400 to £600 per year. The limit on advances of 95 per cent. of the value of the security is also raised to 100 per cent. Other amendments provide for the dedication of roads to the public in a simple and expeditious manner, and the rectification of an anomaly in connexion with the erection of fences between land acquired by the Commission and adjoining land. In addition, the Commission is permitted to proceed without delay upon the erection of dwelling-houses on land resumed and on which there were existing buildings at the date of resumption (previously no demolitions could be made for three months). The erection of emergency housing accommodation in the form of temporary buildings to be used as an adjunct to existing dwellings is also authorized.

Forty Hours Week.—The standard working week of forty hours in industries to which the Industrial Arbitration Act, 1940–6, applies is fixed by No. 6 repealing the provisions of that Act directing the Industrial Commission of New South Wales to make declarations from time to time fixing standard hours.

Jury.—The qualification for jury service for men is by No. 41 to be co-extensive with the Parliamentary franchise and that such women who are qualified to vote at Parliamentary elections and who indicate that they are desirous of serving as jurors are to be eligible for and liable to jury service. The classification of jurors as " common jurors " and " special jurors " is abandoned. The number of persons included in the jury list for any one district to be such number as is estimated by the Sheriff as sufficient to satisfy requirements for the ensuing year, and special courts of petty sessions are authorized to delete from the jury lists for any year the name of any person where satisfied that to call such person for jury service would occasion undue hardship or public inconvenience. Continuance of civil trials is permitted notwithstanding the death or disability of one juror in the case of a jury of four, or of not more than two jurors in the case of a jury of twelve, and consequential adjustment of the requirements for a majority verdict in such cases is made. The period after which a jury engaged upon a criminal trial may be discharged, where the judge is satisfied the jury is not likely to agree, is reduced from twelve hours to six hours; the period after which a majority verdict must be accepted from a jury engaged upon a civil trial is reduced from six hours to four hours; and the period after which a jury engaged upon a civil trial must be discharged in default of a verdict is reduced from twelve hours to six hours. It is made a punishable offence for any employer to dismiss or in any way prejudice an employee by reason of that employee's jury service and reinstatement of any such employee may be ordered. It is also made an offence to publish the name, description, address or photograph of any juror engaged upon a trial. The Matrimonial Causes Act, 1899, is amended to provide that undefended suits in the Matrimonial Causes Jurisdiction of the Supreme Court, in which damages are claimed, are to be heard before a judge sitting alone, unless a jury is required by the petitioner and that defended suits may also be heard before a judge sitting alone, unless any party requires contested issues therein to be tried by a jury.

Legal Assistance.—An amendment (No. 30) of the Legal Assistance Act, 1943, provides that the means of a next friend making applications on behalf of an infant for legal assistance under that Act are to be taken into account only where the next friend is a near relative of the infant. The meaning of " near relative " is set out as: (i) in the case of a lawful child—the father or, if the father be dead, the mother; (ii) in the case of an adopted child—an adopting parent; (iii) in the case of an illegitimate child—the mother. In determining any applicant's eligibility for legal assistance, to avoid hardship, the Public Solicitor in his discretion may disregard the applicant's capital, and the income of the applicant's spouse where he or she is living separate and apart from the applicant. Invalid pensions, child endowment and repatriation pensions are not to be taken into account as income or as affecting dependency in determining eligibility for assistance. Assisted persons are also excused from payment of service fees in certain cases.

New South Wales—Queensland Border Rivers.—An agreement between New South Wales and Queensland respecting the construction of certain works on the rivers which constitute part of the boundary between the two States is ratified by No. 10. The agreement makes provision for (*a*) the construction of a storage dam in the Dumaresq River by New South Wales, and weirs in the border rivers and regulators in effluent streams by Queensland; (*b*) the taking over and control by Queensland of two existing weirs, one in the Barwon River and one in the Macintyre River; (*c*) the cost of the construction, maintenance, operation and control of the works being borne by the States in equal shares; (*d*) the water discharged from the storage dam on the Dumaresq River being available for use by the two States in equal shares; (*e*) the constitution of an interstate Commission consisting of a representative of each State and an independent chairman; (*f*) the Commission dealing with the proposals of the State authorities for the design and construction of the works, and controlling the operation of the storage dam and the discharge of water therefrom and the discharge of water past each of the weirs

and regulators. The storage dam on the Dumaresq River is to be constructed by the Water Conservation and Irrigation Commission, which is also appointed controlling authority for New South Wales in respect of the diversions of water in this State.

Parliamentary Allowances and Salaries.—The Parliamentary allowances payable to Members of the Legislative Assembly are increased by No. 28. The Act also provides for the salaries of additional Ministers of the Crown, and increases the salaries of Ministers of the Crown, the President and Chairman of Committees of the Legislative Council, and the Speaker and Chairman of Committees of the Legislative Assembly. The Act also increases the allowance payable to the Leader of the Opposition, and provides for the payment of allowances to the Government Whip, the Opposition Whip, and of an entertainment allowance to the Premier.

Firearms.—The sale, use and possession of military rifles and ammunition is prohibited by No. 34. The Act provides for a penalty of up to £100 or imprisonment for a term not exceeding six months for anyone having possession of a military rifle or military ammunition. Members of the Defence Forces, Cadets, Peace Officers, members of Rifle Clubs and Registered Pistol Dealers are exempted from the provisions of the Act. The Act requires registered Pistol Dealers to keep records of purchases and sales of military rifles and ammunition.

Soil Conservation.—The provision of technical and financial assistance is authorized by No. 11 to landowners desirous of carrying out soil conservation and erosion mitigation works. An advance will not be made unless the Minister is satisfied that farming operations on the land will be conducted efficiently and with a reasonable prospect of success, and that the proposed works are necessary. Each advance will be repayable over a period not exceeding fifteen years and will bear interest at a rate fixed by the Treasurer. The landowner may carry out the works himself or by contract with any private person or body, or he may arrange for their execution by the Minister. An advance may be made to two or more landholders for the purpose of providing joint works on their lands. The Minister is empowered to let on hire any machinery, plant or equipment required in connexion with the carrying out of soil conservation or erosion mitigation works.

State Tileworks.—Provision is made by No. 29 for the establishment, management, control and maintenance of State Tileworks. The functions of the State Tileworks shall include the production and manufacture of all classes of tiles from any materials whatsoever, the distribution and sale of such tiles, and the production, manufacture, distribution and sale of any other building materials and builders' requisites, manufactured or prepared either wholly or in part of or from clay or shale. Also is included any work or activity incidental or supplementary to the performance of any of such functions. The Act contains machinery provisions regarding staff, finance and the acquisition of land.

State Transport.—The State Transport (Co-ordination) Act, 1931–45, is amended by No. 32 to require licensees of public aircraft to make payments based upon or limited by reference to the mileage travelled by such vehicles or by passengers therein. The Act makes it clear that the provisions of the transport legislation relating to aircraft are administered by the Commissioner of Road Transport and Tramways. The Air Navigation Act, 1938, is also amended to restrict the operation of the Commonwealth Air Navigation Regulations, as in force in New South Wales under that Act, in their application to aircraft required to be licensed under the State Transport (Co-ordination) Act, 1931–47.

Workers' Compensation.—A worker employed in New South Wales and portion of whose work is carried out in any other part of the Commonwealth is enabled by No. 9 to receive compensation in the event of sustaining injury in such other part or territory which if received in New South Wales would entitle him to the benefits of the principal Act.

3. QUEENSLAND

[*Contributed by* THE CHIEF SECRETARY.]

THIS summary covers the First and Second Sessions of the Thirty-first Parliament of Queensland.

Altogether, inclusive of four annual appropriation Acts (two in each Session) 109 Acts were passed in these two Sessions, of which the most important Public Acts are summarized here.

First Session (1947-8).

Open-cut Coal Mining (Electric Supply Corporation (Overseas) Agreement).—The Premier and Chief Secretary is authorized to make with the Electric Supply Corporation (Overseas) Limited (a British Company), for and on behalf of the State of Queensland, the Agreement set out in the Schedule to the Act.

The Act, numbered 11 Geo. VI, No. 39, was passed on December 9, 1947, and the Agreement was executed, by the Premier on behalf of the Government and by the Company's representative on its behalf, on December 11, 1947.

As a proper appreciation of the Agreement involves a knowledge of the circumstances leading to its making, it is proposed to briefly recapitulate those circumstances before setting out a summary of the Agreement.

At Blair Athol, a township located in Central Queensland, there lies a great seam of bituminous to sub-bituminous coal 15 to 93 feet in thickness, extending over an area of approximately 5 square miles, and covered by an overburden ranging between 22 and 135 feet. The field is estimated to contain not less than 200 million tons of coal, which in quality is good steaming coal.

Blair Athol is at present connected by single track 3-feet 6-inch gauge railway with the ports of Rockhampton (distant 239 miles), Port Alma (distant 276 miles) and Gladstone (distant 308 miles), and with the rest of the Queensland Railway system. None of these ports is at present equipped with large-scale coal-handling facilities.

A Committee appointed in 1945 to investigate ways and means of developing the Blair Athol coalfield advised the Government that its economic development entailed: (i) large-scale production (fixed at a minimum of about 3,000,000 tons per annum; (ii) adequate transport facilities for conveying the coal from the field both to a port for export and to available Australian markets: (iii) adequate port facilities for the handling of large quantities of coal; (iv) an overseas market absorbing at least 2,000,000 tons of coal per annum.

The Agreement made with the Electric Supply Corporation (Overseas) Limited provides for all of those matters.

Under that Agreement the Company is to construct a railway from Blair Athol to a port. The railway is to be of adequate construction and capacity to convey the quantities of coal which the Company is required by the Agreement to produce and market.

The route of the railway and site of the port are not fixed by the Agreement. Subject to Ministerial approval, the Company is to select both the route of the railway and the site of the port. The gauge of the railway is to be fixed by agreement between the Minister and the Company.

Either an existing or a new port may be selected by the Company subject to the Minister's approval. The Company is to construct all harbour works necessary to handle coal into ships. The Agreement provides that harbour works and all other works of the Company are to be of modern design and construction, and especially are to incorporate adequate safety factors.

Even though established by the Company, a new port will not be exclusively for its use, as the Agreement provides, subject to adequate protection for the Company, that any new port will be available for other trading purposes.

Under the Agreement the Company must complete the construction of its rail-

way and the establishment of its port as expeditiously as is reasonably possible and immediately it has done so must proceed to produce coal from the field by large-scale operations. It must operate by civil engineering (open-cut) method and not otherwise, and, moreover, its mining operations are to comply with th requirements of the Coal Mining Acts.

The Crown is to receive royalties on coal at the following rates:

For the first 1,000,000 tons in any year .	6*d*. per ton.
For the next 1,000,000 tons in any year .	3*d*. per ton.
For each ton thereafter in any year . .	1*d*. per ton.

The Company is to keep proper production records, which are to be availabl for inspection by Crown officials.

All plant, equipment and machinery required for the mass production of coa are to be supplied by the Company, which must also provide on the coalfield al facilities for the crushing, screening, grading and loading of coal.

The Company must sell coal both at the coalfield and at the port, and mus supply the full regular requirements of the Queensland market, the market else where in Australia and the overseas market.

In operating its works the Company is bound to take precautions against en dangering the health or safety of its employees.

Subject to being entitled to protection against unfair competition, the Com pany is to observe the price-fixing laws of the State, and also the Queensland Coa Industry (Control) Act, except as respects its transactions relating to export coa

The Company is prohibited from seeking to establish a monopoly or from en deavouring to drive competitive colliery-owners out of business by unfair pric cutting or dumping.

Provision is made for townships comprising communities of the Company' employees, which will certainly be established at the mine, along its railway and a its port.

The site and area of every township must be approved by the Minister, and th township properly surveyed and planned by the Company.

Townships must be planned with adequate provision for roads, reserves an public purpose, land for public occupation and for occupation and use of person not associated with the Company.

A Company township will be excluded from the Local Authority Area in whic it is situated, and will be placed under the control of a Town Commissioner.

The Agreement provides for the provision for the inhabitants of a township those amenities and services which it is the function of a Local Authority to provid

Generally speaking, the Agreement guards against the setting up of township entirely and exclusively owned and controlled by the Company, and gives to mem bers of the public not associated with the Company rights of residing and carryin on business in these towns.

All lands reasonably required by the Company for its mining operations, th construction and working of its railway, and the establishment and carrying on its port are to be made available to it by the Crown.

Private lands, whether of freehold or leasehold tenure, necessary for any of the operations may be resumed by the Crown.

The Company is to hold lands upon special leasehold tenures.

The Agreement provides for the taking over by the Company of the prese Blair Athol collieries.

The Company is to finance the whole of the cost of the enterprise, includin capital costs of mining operations at Blair Athol, of its railway and of its po works.

The Crown is given the right to acquire the whole of the Company's enterpri upon December 31, 1997, or at the expiration of each subsequent period of twent one years.

The purchase price is to be installed cost, less the moneys set aside by th

Company in its depreciation and amortization funds. The Agreement provides for proper provision for depreciation and amortization.

Under the Agreement the Government can, if at any time the resumption of the enterprise became necessary in the interests of the State, resume it, but in that event would have to pay the full compensation provided for in the Public Works Land Resumption Act.

Provision is made for the submission to arbitration of all disputes arising under the Agreement between the Government and the Company.

The arbitrator is to be a Supreme Court Judge or a barrister of not less than ten years' standing, and where deemed advisable assessors may be appointed to assist him.

Under the Agreement, matters in issue between the Company and members of the public may also be submitted to arbitration.

Special provisions safeguard the rights of employees of the Company.

Its business as a mineowner and operator would, except for special provision, bring all of the Company's employees under the Coal and Oil Shale Mine Workers (Pensions) Act, including its railway and port employees. This, of course, would prejudice other colliery owners, and more particularly coalminers employed by them who contribute to the mine workers' pensions fund.

Provision is made for ensuring that only those employees engaged in the Company's mining operations will come under the pensions scheme.

As regards other employees, arrangements may be made under the Act for superannuation schemes and pensions for them.

Food for Britain.—Late in 1947 the British Government sent a mission representing the Overseas Food Corporation to Australia in an endeavour to increase the amount of foodstuffs which would be available for export to Great Britain.

The State Government and the Mission, as representatives of the Overseas Food Corporation, agreed to establish, and an Act (numbered 12 Geo. VI, No. 16) establishes, in Queensland a Corporation (to be called the Queensland-British Food Corporation) charged with the task of the large-scale production in Queensland of foodstuffs additional, not only to what the State is now producing, but also beyond any increased production which can be obtained from existing farms.

The task of the Corporation is to farm lands which up to the present have been used only for grazing. It commenced its activities in Central Queensland, around Emerald, where there are great areas of good black-soil land, having an annual rainfall which the records over the past forty years show is similar to the Dalby district.

Summer grains, principally sorghum and sunflower, are to be grown initially.

Once this agricultural industry is established in Central Queensland, the proposal is not to export the grain but to supply it as feed to the pig industry, with the object of raising the export of pig meats to Great Britain to the equivalent of at least 500,000 pigs per year.

The Corporation is representative of the Queensland Government and of the Overseas Corporation.

The Corporation may consist of either six or nine members, one-third being representatives of the State Government and two-thirds nominees of the Overseas Food Corporation.

Majority representation in the Corporation is to be held by the Overseas Food Corporation because that body has agreed to provide the greater part of the capital required for the enterprise.

The State will find one-quarter of the required finance up to a maximum limit of £500,000. The Overseas Food Corporation will provide the remaining three-quarters.

The Corporation can hold land upon leasehold tenure under the Crown. It cannot become a freeholder. Ordinarily there is a limit to the maximum area that

can be held from the Crown by any one leaseholder, but the Corporation is exempted from any such limitation.

Land required for the Corporation will, where possible, be purchased by agreement, but with a power to compulsorily acquire land where its purchase cannot be negotiated.

Provision is made so that at a later date, if deemed desirable, the enterprise or any part of the enterprise of the Corporation can be converted into a co-operative undertaking, or alternatively the whole or part of its agricultural lands could be subdivided for closer settlement.

The Corporation will be empowered to carry on all those activities which are associated with its farming enterprises, and with the preparation for market and the marketing of its agricultural produce. For instance, as and when it enters into the pig industry, it will be able to establish a bacon factory.

Moreover, it can assist financially co-operative or private businesses which will handle its agricultural products for the purpose of their preparation for marketing.

Forty-hour Week.—The forty-hour working week in industry was introduced in Queensland as from January 1, 1948. Previously Queensland had a standard forty-four hour week.

Express provision is made that wages are not to be reduced solely by reason of the introduction of the shorter working week.

Daily working hours and the weekly spread of working hours are not covered by the Act. These matters are left to be determined by the Industrial Court in relation to different industries.

Prior to this amendment the forty-hour week applied in some industries, having been accepted by employees with a proportionate decrease in wages. The Act restored this decrease as from January 1, 1948.

Prohibition of Picketing.—The Act prohibited, subject to heavy penalties, coercing or intimidating workers with the object of procuring or inducing disobedience of an order or direction of the Industrial Court, or participation in an illegal strike.

Queensland law allows peaceful picketing during a lawful industrial dispute, and the Act does not affect this right.

The measure was passed to deal specifically with the circumstances of the 1947 railway strike and consequent on the termination of the strike was subsequently repealed.

State Electricity Commission.—Under the Principal Act a private electric authority (City Electric Light Company Limited) holds a franchise to supply electricity throughout a large part of the south-east of the State. One term of its franchise was that the company's rural prices should never exceed by more than 10 per cent. its metropolitan prices of 1937.

War-time increases in costs rendered this term impossible of performance, and the Act alters it to provide that rural prices shall not exceed by more than 10 per cent. prevailing Brisbane prices as allowed to the company for the time being by the State Electricity Commission.

The amendment (12 Geo. VI, No. 4) also authorizes the State Electricity Commission, subject to obtaining prior Ministerial approval, to ration electricity in any area of supply in times of emergency.

Another amending Act (12 Geo. VI, No. 10) reconstitutes the State Electricity Commission as a corporation sole constituted by a single Commissioner for Electricity Supply in lieu of a body corporate comprised of four commissioners.

The reconstitution is to be effective as on and from July 1, 1948, and is not to prejudice the continuity of the Commission as a legal entity.

The State Electricity Commission is vested with power to regulate and control merchandising in electrical goods and purchases of electrical supplies for undertaking purposes by electric authorities. Moreover, the Commission is empowered to itself trade in electrical goods both with the public and with electric authorities.

Building Operations and Timber and Building Materials Control.—The basic ethods of control provided under the Principal Act are: (i) Limitation of area; d (ii) limitation of value of building operations.

The law has been evaded by—(*a*) The splitting up of a building operation into a mber of separate contracts, thus evading the value limitation imposed by the t; (*b*) failure by Local Authorities, particularly in certain seaside areas, to ad- inister the Act so as to guard against the building of luxury homes and flats for eek-end or rental purposes.

The key terms " Building operation " and " Structure " are redefined by No. so as to ensure, firstly, that a series of building operations in relation to a rticular structure will count as one in assessing value (or, in other words, so as to event evasion of the Act by splitting up among separate contractors work which in fact one operation), and, secondly, so as to include in the main structure cessories such as paths, terraces, walls and fences (this is aimed at wastage of ilding materials caused by an increased tendency to make lavish provision for ese accessories.)

The South Coast area from and including Southport to the New South Wales rder and the Town of Redcliffe is established as a special zone of control.

The sections of the Act under which building operations are controlled (that is say, those sections which provide that any building operation is unlawful unless is exempted from or permitted under the Act, and which contain the machinery lating to the issue of permits) are redrafted. Difficulties of construction arose administration, as these sections of the Principal Act did not clearly demarcate e permitted from the exempted operation, and, moreover, involved exemptions d permits with machinery provisions governing the issue of permits.

As redrafted, the new s. 9 prohibits any building operation whatsoever unless at operation is either permitted under or exempted from the Act. The section so lists those who will be liable for an unlawful building operation. Here there an extension of liability to take in the governing body and officials of an associa- n, such as a racing or sporting club.

Exempted building operations are listed in the new s. 10. Here the Act has en liberalized to increase from 1,250 to 1,500 square feet the area (based on floor ace) of a dwelling-house erected for use as a permanent residence in the tropical eas of the State.

The exemption given by the Principal Act as respects the erection of dwelling- uses by primary producers is re-enacted with a limitation—namely, that it does t apply within the area of the City of Brisbane.

All matters pertaining to applications for, the issue of and the conditions and nitations which may be applied to permits for building operations are set out parately.

Separate provision is made for the cancellation or suspension of building per- ts, and a new section, covering the Minister's power to stop by his order work on ilding operations, is substituted for the original section.

Architects, engineers and others are prohibited from recovering fees or other noluments for professional services rendered in relation to unlawful building erations upon dwelling-houses.

The Act is made paramount over the Local Authorities Acts, including the City Brisbane Acts, and, in particular, paramount over local government building -laws.

Members and officers of a Local Authority who are knowingly parties to an ence by that Local Authority against the Act are liable to punishment.

The provisions of the Act relating to priority in obtaining supplies of building terials are redrafted. The principle governing priority as laid down in the ncipal Act has not been altered; the object of the new draft is to secure greater rity.

Fruit and Vegetables.—The purpose of No. 29 is to consolidate and amend the

law relating to the sale of fruit and vegetables, including the preparation and pack ing for the market of these commodities.

Fruit and vegetables packed for sale must be so packed in compliance with th packing and grading standards required under the Act. These standards will b fixed by the regulations.

Fruit and vegetables sold by the package must comply with the required grad standards, and the packages must not contain foreign substances or packing wrapping materials in excess of a specified quantity.

The grading and packing standards are applied to fruit and vegetables packe for the inter-State market.

Where wrapped fruit and vegetables are selected from a package for allocatio to a sale by the seller, the buyer can demand the removal of the wrappers.

Sellers are prohibited from reserving particular fruit or vegetables for displa purposes only. The buyer can require his purchase to be allocated from the di play.

Where grade standards are fixed under the Act sellers must mark each lot fruit or vegetables according to its proper grade.

Topping of fruit or vegetables, whether in the package or when set out in lot is prohibited.

Requirements as to the branding and marking of packages containing fruit vegetables for sale are laid down. The packer's name and grade standard of th contents must appear on the package. False marking of these packages prohibited.

As regards false marking, the Act specifies that a mark is false if, by statemen or omission, it is false or misleading as respects the state or condition of the co tents of the package, the capacity of the package, the identity of the packer or th origin of the contents.

Standard sizes for fruit and vegetable packages may be fixed under the Ac and fraudulent altering or tampering with standard packages is made an offenc as is fraudulent altering of brands and marks upon these packages.

Apiaries.—Before the passing of this Act (11 Geo. VI, No. 42) beekeeping wa controlled and regulated under the Apiaries Act of 1938. Since that year th migratory beekeeper has come into the industry in large numbers. To-day lar numbers of beekeepers migrate from place to place with their apiaries according seasonal conditions, and many of these migrants make seasonal incursions in Queensland from New South Wales. The 1938 Act was based on the assumptio that beekeepers established and conducted their apiaries on fixed sites.

This new factor, plus the susceptibility of the industry to disease, h necessitated an overhaul of the existing law. This new Act makes better ar fuller provision for the classification of apiaries. In doing so, it affords protectio to apiarists engaged in the production of queen bees—a very useful service to th industry.

The introduction into Queensland of bees, bee products, hives and applianc used in the industry is prohibited, except under a certificate of disease-free origi Power is given to police such entry into the State.

Provision is made for quarantine, including the establishment of quarantin areas and the nature of the quarantine which may be enforced in any such are

The Act requires containers of honey produced in Queensland to be marked prescribed.

Owners or occupiers of lands are made liable for the unlawful keeping of be thereon, and power to clean up abandoned apiaries is given to inspectors under th Act.

Coal and Oil Shale Mine Workers' Pensions.—The definition of the term " mi worker " is extended by substituting the term " person " for the term " wag man," and also by including employees of a contractor where the coal mine worked by the contractor under contract with the mine owner, and where t

ployees of the contractor are employed in and about the mine upon work which, one by employees of the owner, would bring the workers under the Act.

Retiring and incapacity pensions under the Act, No. 26, are increased. The rease covers both mine workers and their dependants.

The Principal Act provides for the setting off of workers' compensation or civil nages recovered in respect of the injury or death by accident of a mine worker inst any pension payable under the Act—that is, the set off applied to both the apacity and to the retiring pension.

The amendment limits that set off to the incapacity pension, both as regards injured mine worker and the dependants of a mine worker whose death is caused accident.

Child endowment will not, in future, be set off against the amounts payable der the Act to a pensioner for his dependant children.

The limit to £4 5*s*. 6*d*. per week of the total of the weekly pension, plus additions dependants, is deleted.

Miners' Homestead Leases.—The right to obtain a freehold tenure of a miner's nestead is abolished. In future, miners' homesteads will be granted upon petual lease tenure only.

A further amendment allows miners' homesteads to be opened for selection in urban area subject to conditions requiring the successful applicant to effect provements of a value in excess of the present statutory amount of £25.

Mining Acts.—Provision is made by No. 29 for the proper regulation and control dredging for minerals. This method of mining has assumed much greater portance in Queensland in recent years due partly to the fact that it is the dern economic way of working ground, particularly alluvial ground, which has eady been worked (and from the economic aspect worked out) by other methods mining, and partly to the discovery of substantial and widespread deposits of con, rutile, monazite, ilmenite and other minerals in the sands of the south-coast ches of the State.

Every dredging lease will be granted subject to covenants binding the lessee to *a fide* carry on dredging operations.

Important provisions are designed to prevent or, in cases where prevention is reasonable or possible in the circumstances, mitigate pollution, obstruction l other damage to water-courses, lakes, reservoirs and their adjacent lands, sing from dredging and other methods of mining by which mineralized or impure ter or sludge, or mining debris is discharged into those water-courses, lakes or ervoirs, or on to their adjacent lands.

The Minister is entitled to impose, as respects existing as well as future mining ements from which mineralized or impure water, or sludge, or other mining ris is being or may be discharged, such conditions as will, in his opinion, prevent mitigate pollution of, obstruction to or other damage or injury to the water-rses, lakes or reservoirs concerned.

These conditions may cover such matters as the provision by the holder of the ing tenement of proper settling dams, basins, or other like works, the treat-nt of impure or mineralized water, sludge or mining debris before discharge, or total prevention of such discharge.

If the Minister is of opinion that public interest requires the continuance of any hod of mining a particular mine, notwithstanding that such method will result he nuisances above referred to, or that the total prevention of those nuisances be so costly as to be impracticable, the Minister may refrain from imposing conditions requiring sludge abatement, or he may fix such conditions as will, in opinion, mitigate but not wholly prevent the nuisance, and may in either case uire the mineowner to deposit with the Treasury a sum fixed by him.

The sum to be fixed by the Minister is to be such amount as he estimates will be essary to meet the legal liability of the mineowner for damages in respect of the sance. The sum may be fixed to cover the full term of the lease or a lesser

period, but if a deposit is required in relation to a period less than the full term of the lease a further deposit may be required upon the expiration of that period.

Coal Mining.—The object of No. 38 amending the law is to raise the standards of safety, health and ventilation in coal mines and to secure improved amenities for coal miners.

A deputy is to confine himself to his statutory duties except in cases where he has not more than ten men under his charge, and except that he may be employed in the firing of shots and in the erection of brattices.

Youths under 16 and females are not to be employed underground. Moreover youths under 18 must not be employed at the brace of a sinking shaft in the working of a windlass or in the handling of materials to and from the winding rope, or be allowed to handle, charge or fire explosives.

Until a miner has had at least two years' experience at the coal face as a coal getter, he must work at the coal face under the supervision of another miner who has had at least that period of experience as a coal getter.

An inspector may waive this requirement in the case of a miner who has had not less than two years' experience underground in a metalliferous mine, and who, in the inspector's opinion, has had sufficient underground experience in a coal mine to be employed as a coal getter.

In future, a surveyor must hold a mines survey certificate before carrying out underground surveys in mines.

Provision is made for a comprehensive set of rules and symbols for mine plans and for the keeping at the mine office of an up-to-date plan of the mine, clearly showing the positions of ventilating fans and doors, regulators, air-stoppings and crossings, the direction of the air circuit, and all stoppings sealing off fire, water or gas.

Immediately after breaking away from the shaft bottom a second opening to the surface must be provided, and operations with the sole object of getting coal must not be commenced until the two shafts are completed.

A code of rules for the maintenance of order and discipline and for the conduct and guidance of officials and all persons employed in, on or about a coal mine is enacted.

Hitherto, rules of this nature were, subject to Ministerial approval, made for each individual mine by the management.

Power is given to the Governor in Council to alter any of the above statutory special rules, and any mine management or employees are given the right to make representations as respects the altering of these rules.

Existing special rules governing order and discipline at particular mines are continued in force, subject to the right of the Governor in Council to alter them at any time.

Added power to make rules governing ventilation, air supply, circulation, temperatures and like matters are contained in the amendments.

These additional powers will cover standards of effective temperatures and air movement, the maintenance of the required standards during working times, the method of determining these standards, and will also provide for special conditions governing the performance of work at places in the mine where the required standards are not complied with.

The powers under which the accumulation of coal dust in mines is guarded against are extended.

The minimum dimensions for main intake and return airways are increased. The new minima are—area 32 square feet and height 5 feet. The discretionary power of the Minister to allow lesser dimensions for these airways is deleted.

The use of furnaces for ventilating coal mines is abolished.

Power is given to inspectors to extend, in particular cases, the statutory period of two hours before starting work underground during which mechanical ventilating appliances must be run at their usual capacity.

A new rule is inserted for determining the percentage of inflammable gases in e atmosphere in each district return airway. The determination must be made least once a month in gassy mines, and at least once in six months in other ines.

The rule lays down the minimum percentage of oxygen and the maximum rcentage of carbon dioxide allowed in a working place, and the percentage allow- ıce of inflammable gas in an intake airway.

Additions are made to the rules respecting the provisions of air-doors, stoppings, ossings and other ventilating appliances, and stoppings necessary to seal off fire hot air must be constructed to the satisfaction of an inspector, and provision ade for sampling the air on the inside of the stopping.

Ventilating doors installed between the intake and return airways of roads ed for traffic must be double, self-closing and of substantial construction.

A deputy, accompanied by an experienced miner, must examine the state of e waste works at least once a week.

New comprehensive rules relating to coal dust are substituted for the existing les in the Principal Act.

Provision is made that after six months from the passing of the amendment ly electric safety lamps of a type approved by the Chief Inspector of Coal Mines all be used to supply illumination underground, except on main haulage roads, for the use of electricity or electrical machinery where the use of electric lamps the vacuum or enclosed type is permitted.

Every colliery owner must provide at the pithead or gantry a dining-room of a ze and equipped with facilities approved by the Minister.

Precautionary measures when approaching old workings, particularly old orkings which may contain a dangerous accumulation of water or gas, are laid own.

There must be a minimum clearance of 2 feet between the side of the road and ips standing on rails in places where trains of three or more skips are coupled or ncoupled, and also between skips on parallel rails.

Travelling roads must have a minimum height of 5 feet clear of timber ob- ructions.

In future, steel or iron rails must be used in haulage or wheeling roads. Wooden ils will not be permitted except where necessary as retarders for skips.

Where the second means of egress from any part of the mine is not ordinarily ed for travelling, the deputy must inspect it at least weekly and must give all nployees an opportunity to familiarize themselves with it.

Moreover, it must be clearly indicated with guide boards.

Adequate change and bathroom accommodation located near the principal ntry to the mine must be provided according to standards specified in the Act.

The ambulance equipment to be provided both at the surface and in particular stricts of a coal mine is specified.

The mine plans to be kept in accordance with the requirements of the Act are t out in a new rule. Plans required include a plan of the surface layout, a plan the underground workings, showing underground levels superimposed one on ne other. All faults, dykes, other dislocations of the seam, all creeks, rivers, vamps, lakes, other natural or artificial waterways, and the limits of tidal and nown flood waters and the seashore are to be shown. All levels are to be co- lated to seal level and the standard code of symbols set out in the Act must be ed in the preparation of all plans.

The new Act is numbered 11 Geo. VI, No. 38.

Coal Industry Control.—No. 18 establishes a Queensland Coal Board constituted a chairman and two other members.

The Board is charged with the functions of: (i) ensuring the adequate and gular production of coal in quantities sufficient to meet both the State's domestic quirements and the market for Queensland coal elsewhere in Australia and over-

seas; (ii) ensuring that the State's coal resources are conserved, developed, worked, and used to the best public advantage; (iii) ensuring that coal produced in the State is distributed and used in such manner, classes and grades, and at such prices as are best calculated to serve the public interest, and to secure the economical use of coal and the maintenance of essential services and industries; (iv) promoting the welfare of workers in the State's coal industry; (v) encouraging the highest degree of co-operation between mine managements and employees with the object of promoting maximum efficiency and production.

Powers are conferred upon the Board in relation to: the working and getting of coal, including the introduction and operation of sound mining principles and practices and methods of stowage and haulage, and the regulation of output; the conservation of coal, the development of a mine, seam or field, and the opening, closing or abandonment of a mine; the mechanization of mines, which power extends to measures for the manufacture, procurement, improvement, or standardization of mechanical plan and equipment; the preparation of coal for market, including its classification, cleaning, washing, and grading; matters involved in marketing coal, including such factors as transport, handling and delivery; efficiency and economy in the use of coal, the development of new uses and markets, and the recovery of by-products; regulation of prices and profits in the industry; the health and safety of persons engaged in the coal industry, the establishment of sound industrial welfare practices and the provision of amenities for coal miners; employment in the industry, including recruitment, control of the manning of mines, the promotion of stability of employment and the training, efficiency and competency of persons engaged in the industry; collaboration and co-operation with the Commonwealth and other persons and authorities as regards the provision of amenities and health, educational, recreational, housing and other facilities for communities of coal miners, and for the promotion of other industries and town and regional planning for such communities.

To enable it to carry out its functions and duties the Board is vested with authority to provide or assist with technical services, to make contracts, lend moneys, to acquire and dispose of property, to itself buy and sell coal, to control the buying and selling of coal by others, to take over the management and working of coal mines, to itself acquire and operate plant, to itself open and work new mines, and to exclude or suspend from employment, but subject to a right of appeal to the Industrial Court, any official or other person engaged in the industry whose activities are prejudicial to the effective working of the industry.

Moreover, the Board has power to investigate the question as to whether any methods of working operated or proposed to be operated at a coal mine endanger the safety of the miners employed at that mine.

Subject to the laws of the State respecting safety in coal mines, the Board can deal with any methods of working found by it upon investigation to be dangerous to employees.

The Board can employ such employees as it requires to carry out its functions.

The Board is subject to Ministerial directions on matters of policy, and particularly on policy as respects programmes of proposed reorganization, acquisition or development involving substantial outlay of capital, and on policy as respects full employment and price stabilization.

Industrial conscription under the Act is prohibited.

The method by which the Board can take over the control of a coal mine is laid down.

An " authorized controller " is appointed by the Board by its order in writing and while the order is in force the management of the mine is vested in the authorized controller, and the mine manager and all clerical and other mine workers engaged at the mine become officers and employees of the Board.

The colliery proprietor continues to be responsible for the working costs of the

mine, including salaries and wages, workers' compensation and mine workers' pensions contributions.

The operation by the Board of coal mines is provided for. Briefly, the Board may, subject to first obtaining the approval of the Governor in Council, compulsorily resume a coal mine.

The mine plant, machinery, equipment and works are included in the resumption and become the property of the Board.

Power is also given to the Board to compulsorily acquire coal or equipment for mining, handling, transporting or distributing coal.

Trade Descriptions (Textile Products).—Under the Principal Act all woollen goods must, when sold, bear a printed or woven description of the fibres and the respective proportions of the fibres of which the goods are composed.

This amendment (11 Geo. VI, No. 43) defines what are fibres.

It also allows, as correctly described, woollen goods where the percentages of the fibre contents do not differ from those stated in the description by more than 3 per cent. in the aggregate.

It permits imported woollen goods to be sold under the description required in relation to their importation by the Commerce (Trade Descriptions) Act of the Commonwealth.

Finally, it allows a re-seller to sell woollen goods under the description under which he bought, provided that that description is apparently lawful and has not been altered by him.

Liquor Law.—Operators of air services are permitted by No. 33 to carry liquor on their aircraft for the purposes of supplying passengers, and to supply passengers with liquor.

Liquor can only be supplied to passengers while the aircraft is in flight, and must be consumed on the flight.

Marriage of Minors.—In Queensland a widow or widower who is a minor is competent in law to remarry without the consent of his or her parent or guardian or of any other person authorized in law to give that consent.

No. 2 also makes a divorced person, who is a minor, competent to marry again without any such consent.

It also adds district registrars of marriages to the list of persons authorized to consent to marriages of minors, and provides that appointments of justices of the peace, with authority to give these consents, may be made by the majority of the Judges of the Supreme Court. Hitherto, the appointment of a Justice required the assent of all of the Judges.

Trade Coupons (Trading Stamps.)—This State prohibits the sales promotion of merchandise by means of trade coupons or trading stamps.

The law has been evaded by the practice of redeeming in another State coupons or stamps issued in Queensland.

This Act (12 Geo. VI, No. 8) prohibits this practice. It makes unlawful the publication in this State by circular, advertisement or otherwise of an offer to buyers of goods of a free gift connected with the sale of those goods but available to the buyers in another State.

It also prohibits Queensland buyers of goods from taking up any offer of a free gift available in another State in connexion with the sale of those goods in this State.

Foreign Governments (Titles to Land).—The Governor in Council is empowered to allow foreign Governments and their representatives to hold, in Queensland, land required for diplomatic, consular or official purposes, or as a residence for an accredited agent of the foreign Government.

The Governor in Council may grant exemption from rates and taxes to the same extent as is allowed by the foreign Government concerned to Australian diplomatic representatives.

Subject to recognized diplomatic law, land held in Queensland by, or by an

agent of, a foreign Government will continue subject to State law as if the owner were a private citizen.

The Act is 12 Geo. VI, No. 12.

State Transport Facilities.—This Act (12 Geo. VI, No. 6) amends the State Transport Facilities Act so as to provide that all acts of executive or administrative authority done under that Act shall have validity to the extent to which such acts are within the constitutional powers of the State.

This amendment has special reference to s. 92 of the Commonwealth of Australia Constitution in its relation to intra-State air transport within Queensland.

The extent of the application of s. 92 to air transport has not yet been the subject of full authoritative decision by the High Court, and the effect of the amendment will be to enable the State, without further legislation, to take advantage of any interpretation of s. 92 in its application to air services, to the full extent to which that interpretation may be favourable.

Alternatively, the amendment safeguards against an unfavourable High Court judgment in that the Transport Commissioner's decisions in relation to air transport will always stand to the extent to which they can be lawfully made under the State's constitutional power.

A consequential amendment provides that an air transport service licence under the Act is not to be an exemption from compliance with the Commonwealth Air Navigation Regulations.

As the amended section (s. 53) of the Act previously stood, the licensee had to comply with the Commonwealth law before he obtained the State licence. The effect of the alteration is that the State is not bound to see to the observance of the Commonwealth law, this being made the sole concern of the licensee.

Censorship of Films.—It was agreed at the 1946 Premiers' Conference that uniform legislation be passed by the States and that agreements be made with the Commonwealth for the administration of that legislation.

This Act (12 Geo. VI, No. 3) implements the agreement arrived at by the 1946 Premiers' Conference.

What must be kept clearly in mind is that the Act does not refer any of the State's powers to the Federal Parliament or Government What it does is to create a State law with provision empowering the Governor in Council to arrange for the administration of that law by a Federal authority.

The Act requires all films to be approved by the censor before they are exhibited, excepting news gazettes, advertising films and imported films which have already passed the censorship provisions of the Commonwealth Customs Act.

The exceptions in favour of news gazettes and advertising films are not absolute.

The censor is empowered to classify films as being: (i) suitable for general exhibition; (ii) not suitable for exhibition before children; and (iii) subject to conditions imposed by him.

A right of appeal from the refusal of the censor to pass a film is given. The appeal lies to the Minister or to a person appointed by the Minister to hear and determine these appeals.

In addition to censoring a film, the censor is empowered to require all advertising material proposed to be used in connexion with that film to be submitted for his approval. The censor is required to reject films which, in his opinion, are indecent, or obscene, or likely to be injurious to morality, or which are likely to create public disorder or crime, or which are undesirable in the public interest.

Films classified as not suitable for exhibition before children, and trailer films advertising those films, must not be shown in any theatre at any time before 5.30 p.m. on a Saturday or on any week-day during any vacation, special holiday or regular holiday for State school children.

Local Government.—Local Authorities are authorized to establish and maintain licensed victuallers' premises, but a Local Authority cannot carry on, in its own

name, the business of a licensed victualler upon any licensed premises owned by it.

In other words, under the Act a Local Authority can establish and maintain, as a function of Local Government, a hotel or hotels within its area, but it cannot itself carry on the business of a hotel-keeper.

Prior permission of the Governor in Council is required before a Local Authority acquires an hotel.

Any hotel owned by a Local Authority must be carried on through a lessee. Public tenders must be invited for the lease, and the terms and conditions of the lease are to be subject to approval by the Licensing Commission. Moreover, the Licensing Commission must be satisfied that the lessee is a fit and proper person to hold a licence under the Liquor Acts.

Members, officers and employees of the Local Authority, their spouses, and persons in contracts made by whom with the Local Authority any member, officer or employee has a direct or indirect pecuniary interest are disqualified from becoming lessees of hotels owned by that Local Authority.

The Act is numbered 11 Geo. VI, No. 37.

Another amendment (12 Geo. VI, No. 28) authorized Local Authorities to undertake as a function of local government the provision of housing accommodation within their areas.

The power includes power to construct, maintain and regulate the use of houses. Groups of houses may be constructed as part of the one scheme.

Moreover, the Local Authority can build homes either for sale or for letting.

Second Session (1948-9).

Constitutional Law.—The maximum number of Ministers of the Crown is increased from ten to eleven by the Act 13 Geo. VI, No. 19.

The appointment of an acting Minister in the room of any Minister of State who is absent from Queensland in the course of his official duties is authorized by the Act, 12 Geo. VI, No. 32.

The salaries of Ministers of the Crown and members of Parliament were increased by the Act 13 Geo. VI, No. 17, as follows:

Premier and Chief Secretary—From £2,000 to £2,700 per annum, plus £300 per annum as Vice-President of the Executive Council. Other Ministers—From £1,500 to £2,250 per annum. Speaker—From £1,500 to £1,800 per annum. Leader of the Opposition—From £1,250 to £1,550 per annum. Chairman of Committees—From £1,100 to £1,300 per annum. Government and Opposition Whips—From £950 to £1,150 per annum. Other Members of Parliament—From £850 to £1,050 per annum.

Provision is also made for a Minister acting as Premier or a member acting as a Minister for a continuous period of thirty days or longer to be paid the salary attaching to his acting office.

This Act (13 Geo. VI, No. 22), which does not affect the present Parliament, increases the membership of the Legislative Assembly from sixty-two to seventy-five.

There is a corresponding increase in the number of electorates from sixty-two to seventy-five, each of which is to return one member.

The State is divided into four zones of representation and provision is made for the division of the zones into electorates as follows:

Zone 1 (Metropolitan Zone), 24 electoral districts. Zone 2 (South-eastern Zone), 28 electoral districts. Zone 3 (Northern Zone), 13 electoral districts. Zone 4 (Western Zone), 10 electoral districts.

There is to be a complete distribution of each and every Zone into the specified number of electorates before the expiration of the present Parliament, and provision is made for complete or partial redistribution of all or any Zones thereafter as may be required.

An Electoral Commission of three appointed for the purpose is to make the

first such distribution and any and every distribution thereafter, whether complete or partial.

Each and every Zone is to be divided into its required number of electorates upon the basis of a quota determined by dividing the total number of electors in the zone at the end of the year preceding the redistribution by the number of electorates fixed for the Zone.

The quota is subject to a margin of allowance of one-fifth more or less.

Every Electoral Commission must publish particulars of its proposed redistribution and one month is allowed for objections or suggestions relative to its proposals.

Finally the Commission reports the distribution made by it to the Attorney-General, and thereupon the names and boundaries of the electorates as determined by the Commission are published by proclamation in the Gazette.

Electoral districts so determined and proclaimed stand until altered by a subsequent redistribution under the Act.

Electoral rolls in accordance with the electorates as determined from time to time under the Act are authorized and required.

Superannuation for Members of Parliament.—The scheme is contributory. Contributions at the rate of £2 per week will be compulsory in the case of future membership, but existing members are given the option of withdrawing from the scheme. A minimum of £200 must be contributed, and superannuation is payable by way of annuity benefit based on total Parliamentary service, with a minimum qualifying period of 9 years. Annuity benefits are for:

Service of 9 and under 12 years, £5 per week.
Service of 12 and under 15 years, £6 per week.
Service of 15 years or longer, £7 per week.

In addition to the qualifying period of service of a minimum of 9 years, there is an age qualification. It is 60 years or more in the case of voluntary retirement, 50 years or more in the case of involuntary retirement, with a deferred right to members retiring before the age of 50 years after having served for the qualifying period of 9 years.

The benefit accrues to the member under 45 upon retirement when he reaches the age of 50 if his retirement was involuntary or at the age of 60 if he voluntarily retired.

Members qualified by service who retire after reaching the age of 50 years but under the age of 60 years will, on attaining the age of 60 years, be entitled to benefit.

The estates of members dying in office and members retiring before qualifying to benefit will receive a refund of contributions without interest.

The widow of a beneficiary or of a member qualified for benefit or of a retired member with a deferred right to benefit will receive benefit at the rate of two-thirds of that appropriate to the service in Parliament of the deceased husband.

Annuity benefit to a widow ceases on her marriage, and to qualify for receipt of annuity she must have married her deceased husband before he ceased to be a member.

Membership of the Federal or another State Parliament or the taking of an office or place of profit under the Crown in Queensland or elsewhere or any pensions derived from any such office of employment results in the setting off of any payment received against the annuity benefit.

Landlord and Tenant.—This Act (12 Geo. VI, No. 31) resulted from the cessation of Commonwealth controls over the letting of dwelling-houses and business premises, particularly in relation to rentals and the recovery of possession.

This State measure, however, differs in material respects from the corresponding Commonwealth law (the National Security (Landlord and Tenant) Regulations), the main differences being:

The State Act follows the Commonwealth in providing for the direct control

of rentals of all dwellings, including boarding and lodging-houses, and shared accommodation.

Rentals of business premises are not brought directly under the Act, but there is a reserve power vested in the Governor in Council to apply the rent-control provisions of the measure to all or any business premises or classes of business premises specified by him.

A second essential difference between the State and Commonwealth law is that the State provides for the judicial determination of fair rents by a specially constituted Fair Rents Court. Under Commonwealth law rents were determined by administrative action in the first instance with a right of appeal to a Court.

The State Act extends to rentals of holiday premises, that is, premises not let to any one tenant for a longer period than three months. These were exempted from Commonwealth rent control.

Initial control of rents under this State law is obtained by pegging all existing rentals as at the commencement of the Act, the pegged rent being applied to all tenancies of dwellings then subsisting, irrespective of whether the rent chargeable was fixed under Commonwealth law or by agreement between the landlord and tenant.

Capital values were first pegged as at December 31, 1940, but subsequently by the amending Act, 12 Geo. VI, No. 46, this date was altered to February 10, 1942.

" Key-money " (premiums) either in cash or in kind to secure the tenancy of a dwelling-house is prohibited. Refusal to let to tenants with children is made an offence, as is also the taking of excess rent.

Black-listing by landlords of tenants who have claimed their rights under the Act is prohibited.

Fair-rent determinations are made operative for a minimum period of twelve months, unless circumstances arising subsequent to the determination render an alteration equitable.

The letting of dilapidated dwellings is prohibited.

The Crown is empowered to intervene in any fair-rent proceeding.

As respects the termination of tenancies of both dwellings and business premises and the eviction of tenants therefrom, the Act, generally speaking, continues the Commonwealth law.

Notice to quit must be given for cause as specified in the Act. Grounds for notice to quit include failure to pay rent, breach by tenant of conditions of tenancy, failure by tenant to take reasonable care of demised premises, tenant creating nuisance or annoyance to neighbours, use of demised premises for unlawful purpose by tenant, sale of premises by landlord consequent on notice of intention to vacate by tenant, landlord requires premises for his own use (applies in specified cases only), *bona-fide* sale to purchaser who requires premises for his own use, reconstruction or demolition, assignment or sub-letting of tenancy without landlord's consent.

Restrictions are imposed on the eviction of a tenant within six months after obtaining a fair-rent determination, and also on the eviction of a tenant owner of a boarding-house, lodging-house or shared accommodation business on the ground of the assignment of the tenancy of the business premises on a sale of the business.

A tenant unlawfully evicted is given a remedy in damages.

A right of succession to a tenancy on the death of the tenant is provided.

An amending Act (12 Geo. VI, No. 46) altered the pegged date for capital values for the purposes of rent control from December 31, 1940, to February 10, 1942, thus making this date conformable to that fixed for the purposes of land-sales control.

It also provided for the taking into account of annual depreciation, loss through vacancy and the value of improvements in computing the permissible net annual rental return.

Fair Rents Courts are allowed to take sale prices of tenanted property as the

capital value, provided the Court must first satisfy itself that the price was fair and equitable.

The " key money " provisions of the Principal Act are modified to permit the sale for valuable consideration of residential businesses conducted on rented properties.

Parts of licensed victuallers' premises let for the purpose of a business not associated with that of a hotel-keeper are brought in for the purposes of rent control.

Exclusive jurisdiction in eviction proceedings is granted to Courts of Petty Sessions, and landlords are precluded from unreasonably refusing consent to assignments of businesses carried on by tenants.

Dwellings exclusively let for holiday purposes are exempted from the Act provided that no one tenancy exceeds a period of three months. An amendment (13 Geo. VI, No. 31) specifies that time during which a tenant holds over shall not count in calculating the period of the tenancy.

A doubt having arisen as to the procedure whereby the right of appeal upon a question of law against a magistrate's decision in eviction proceedings could be exercised, this latest amendment specifies that any appellate procedure under the Justices Acts shall be available provided the appeal is limited to questions of law.

It also makes it an offence for newspapers to publish by advertisement or otherwise a statement by landlords of intention not to let to tenants with children.

Price Control (Profiteering Prevention).—This measure is consequent on the vacation by the Commonwealth of controls over prices of goods and services and over land sales.

The Act (12 Geo. VI, No. 34) is divided into six parts.

The first part covers the transition from Commonwealth to State law, and is designed to secure continuity of control notwithstanding the change from Commonwealth to State law.

The second part establishes the administrative machinery of the Act. Provision is made for a Commissioner of Prices and for a Prices Advisory Board. This Board is to be constituted by the Commissioner, a member of the Industrial Court, and the Director of the Bureau of Economics and Statistics or an officer of that Bureau.

Authority is given to the Commissioner to call in the assistance of expert advisers.

Part III covers the fixing of prices and rates for goods and services.

The Commissioner is empowered to declare goods, services, or goods and services either generally or in relation to specified parts of the State. Declaration of any goods or service means that the price of such goods or the rate of such service may be fixed under the Act.

All fixed prices are maximum selling prices.

The Commissioner's powers in respect of price fixation are wide. He may deal with an individual seller or he can act through an association of sellers and, generally speaking, the measure has wide provision to cover different trading practices and selling methods, the object being to ensure that price fixation will interfere as little as possible with the accepted, if diverse, methods of sound and fair trading.

Traders who have stocks of goods for sale are required to sell reasonable quantities to customers who are prepared to pay lawful prices.

Heavy penalties are provided for selling at excess prices.

There is provision for ensuring that goods are properly price marked by traders, and evasion of price controls by changing the sizes or contents of containers is guarded against.

Part IV continues the combine and monopoly provisions of the pre-war profiteering prevention legislation of this State.

Commonwealth war-time price control had no specific provision dealing with the combine or the monopoly as such, though it prohibited in relation to the individual

practices which, if carried on in concert with others, would come under this part of the Queensland Act. In addition to this special provision as respects combines, this Queensland Act continues the above Commonwealth prohibitions as regards individual traders.

Part V covers transactions in lands. Land values are pegged as at February 10, 1942.

Controlled transactions include sales and leases for a term of three years or longer.

The Commissioner of Prices is the controlling authority, his consent being required in respect of the transaction.

Black market (excess) prices paid in respect of transactions in land are recoverable by the payers.

Sales of residential businesses (boarding-houses, lodging-houses and the business of letting shared accommodation) are controlled under this part.

Part VI provides machinery for administering the Act. It also authorizes the Governor in Council to reserve suitable country lands for the purpose of war service land settlement.

Criminal Law.—The Criminal Code is amended by No. 48 to provide that sentences shall run from the date when imposed in lieu of from the first day of the sittings. This meets the case of the offender released on a recognisance conditioned for his appearance for sentence if and when called upon.

Authority is given to judges of the Criminal Court to suspend a sentence after part service thereof upon a recognisance conditioned for the released offender's good behaviour.

Offenders causing bodily harm by negligent acts are subjected to arrest without warrant.

The provisions of the code covering the reckless or dangerous driving of motor vehicles are tightened up so as to provide a more severe penalty on summary conviction (a fine of £100, or six months' imprisonment, or both) to allow a conviction of reckless or dangerous driving where established by the evidence on any charge of an indictable offence arising out of the driving of a motor vehicle, and to make further provision for the disqualification of convicted drivers of motor vehicles.

The crime of arson is specifically extended to cover aircraft and motor vehicles.

The Vagrants, Gaming and Other Offences Acts are amended to clearly prohibit the unlawful possession of any property capable of being stolen.

Apprentices.—Cumulative sick leave is granted to apprentices at the rate of two weeks per annum, but subject to a limitation that the employer is not obliged to pay for more than four weeks' sick leave in any one year.

The power of industrial inspectors to recover arrears of wages due to employees working under industrial awards is extended to apprentices, and the modes of recovery of award wages are applied to wages of apprentices.

Employers are required to account to the Crown for unclaimed wages due to apprentices.

Appellate jurisdiction in the matter of proceedings under the apprenticeship law is conferred on the Industrial Court. These proceedings lie to Industrial Magistrates in the first instance.

The Act is numbered 12 Geo. VI, No. 51.

Wheat Industry Stabilization.—This Act is uniform with similar Acts passed by the other States of the Commonwealth which together with Commonwealth legislation implement a scheme for the stabilization of the Australian wheat industry.

The scheme for stabilization provides for the delivery of all wheat to a Board, which will act as selling agent both at home and abroad.

The proceeds of both home consumption and export sales will be pooled and divided among all growers *pro rata*, and every grower will accordingly receive the average of the general market price irrespective of the particular sale made of his wheat.

A minimum price is guaranteed, and for this purpose payments to a stabilization fund from the aggregate sale proceeds will be made on a basis per bushel.

The Act is numbered 13 Geo. VI, No. 9.

Aliens.—The measure (13 Geo. VI, No. 10) permits aliens who are citizens or subjects of the United States of America or of any other friendly State approved by the Governor in Council to hold lands and chattels real in Queensland.

The right is a qualified one, being subject to the requirements of residence in this State for a minimum continuous period of six months immediately prior to acquiring the land or chattel real, and of the approval by the Governor in Council of the acquisition.

The Act also guards against the new Nationality and Citizenship Act, 1948, of the Commonwealth altering the application of existing Queensland statutes affecting British subjects and aliens.

Public Service.—Government subsidy on the annuity benefit required to be compulsorily contributed for by public servants is granted by Act 13 Geo. VI, No. 14. The amount of the subsidy equals the amount of compulsory annuity.

The requirement of compulsory contributions for any benefits other than annuity is removed. Hitherto contributions for a fixed minimum of assurance and incapacity as well as annuity benefits were required.

Increases are made in the respective maximum benefits of annuity (in excess of the compulsory) and of assurance for which a beneficiary may voluntarily contribute.

The Treasury's obligation to pay interest at the rate of 5 per cent. per annum upon the monthly balance in the Treasury of the Public Service Superannuation Fund is continued for five years as on and from January 1, 1949.

The subsidy is granted, as on and from January 1, 1949, to all retired public servants as well as to those who will retire after that date.

Hide and Leather Industries.—This measure is, in a sense, complementary to the Profiteering Prevention Act, 1948, under which the maximum selling prices of hides and leather may be fixed.

The Commonwealth experience in regard to price controls was that price fixation in itself was not sufficient in the case of hides and leather goods, owing mainly to the wide disparity between Australian and export prices for these commodities.

In addition to price control, the Commonwealth consequently found it necessary to promulgate special wartime regulations covering the appraisement of all hides for price determination purposes, the division between the home and export markets of available supplies, the distribution between Australian tanners of the home consumption quota, and (in order that all suppliers would receive an equitable share of export prices) the pooling of the proceeds of all sales.

Owing to the expiration as from December 31, 1948, of these Commonwealth regulations (which were a wartime measure), the States have agreed with the Commonwealth to continue the controls by means of uniform Commonwealth and State legislation.

The Act is numbered 13 Geo. VI, No. 15.

Marriage and Divorce.—This Act (13 Geo. VI, No. 34) removes a doubt as to when divorced persons or persons who have been parties to a nullity suit may legally remarry. It provides that such a remarriage may be legally entered into only after any right of appeal resulting from the divorce or nullity proceedings has been finally disposed of either by reason of no appeal having been instituted or of the appeal having been dismissed by the Court of Final Appellate Jurisdiction.

Traffic.—The legislation effects a complete consolidation and amendment of Queensland's traffic laws.

It codifies in one measure, with alterations, amendments and additions, traffic laws hitherto dispersed under a number of Acts, the most important of which were the Traffic Acts, 1905 to 1933, the State Transport Acts, 1938 to 1943, the Main

Roads Acts, 1920 to 1943, the Local Government Acts, 1936 to 1948, and (as respects the metropolis) the City of Brisbane Acts, 1924 to 1948.

It follows that this new measure is to a degree a re-enactment of existing law, but it applies generally throughout the State, whereas the former Traffic Acts applied only in specified districts.

Administration of the Act is vested in the police, and districts are retained solely for administrative purposes. For this purpose Police Districts are adopted excepting in the case of the metropolis of Brisbane, which comprises the whole of one and parts of two other Police Districts.

Uniformity of traffic control within the metropolitan area is achieved by constituting the whole of that area as one traffic district.

Special attention is paid to the driving of motor vehicles, other vehicles and animals on roads.

The driving of motor vehicles on roads without a driver's licence is prohibited, and motor vehicles will be classified for the purpose of the licensing of drivers.

The penalty against unlicensed driving is increased to a fine of £100 or imprisonment for six months, or in the case of a disqualified driver both such fine and imprisonment.

The penalty for driving or being in charge on a road of a motor vehicle, train, tram or vessel whilst under the influence of liquor or a drug is increased to a fine of £100 or six months' imprisonment, or both.

This offence is extended to include the driving or attempted driving of motor vehicles elsewhere than on roads.

The appearance of this class of offender before Courts is made compulsory. For the purposes of disqualification from holding or obtaining a motor vehicle driver's licence this class of offence is allied to careless driving, dangerous driving and to indictable offences relating to the driving of motor vehicles. Conviction for any of these offences automatically disqualifies from holding or obtaining a motor vehicle driver's licence for a period of three months in the case of a first offence or twelve months in the case of a second offence within three years. Automatic disqualification is the minimum with power to the convicting Court to increase the period or to impose a life disqualification, but in the case of a life disqualification application for its removal may be made after two years to the Court which imposed it.

The Act covers the licensing of taxi-cabs and other vehicles kept or let or plying for hire, but does not apply to vehicles authorized under the State Transport Facilities Acts, 1946 to 1947, for use in carrying on a service licensed under that Act for the carriage of passengers or goods, or both.

The general duty of controlling and regulating traffic on roads is imposed on the police, who are given authority under the Act accordingly.

Roofing Tiles.—This Act (13 Geo. VI, No. 27) supersedes the Standard Cement Concrete Roofing Tiles Act, 1948, which it repeals. The object of the measure is to ensure that all roofing tiles will be reasonably fit for the purpose for which they are intended, this object being implemented by the laying down of standards for the various classes of roofing tiles and the prohibition of the manufacture, sale and use for roofing purposes of defective tiles. Standards are based on those of the Standards Association of Australia.

The Act sets up an authority charged with the testing of roofing tiles.

Manufacturers and sellers of roofing tiles are required to make and keep proper records and to furnish periodical returns of their transactions to the Officer in Charge of Roofing Tile Testing.

Vendors of dwelling-houses, the roofs of which contain any defective tiles must notify purchasers in writing of that fact.

Machinery ensuring the destruction of defective tiles so as to prevent their being unlawfully marketed is provided.

A condition that roofing tiles comply with the standard therefor is implied in

every contract for the sale or supply thereof. This condition is also implied in respect of the tiles in the roof of a dwelling-house upon sale, unless notice to the contrary as required by the Act has been given.

Administrative powers under the Act are recast in the light of experience in administering the repealed Act.

Abattoirs.—Under the Abattoirs Agreement Ratification and Meat Industry Acts, 1930 to 1932, a public abattoir was established for the metropolis (the area of the City of Brisbane), and a corporate board named " The Queensland Meat Industry Board " was constituted to maintain and carry on that public abattoir.

This Act is now extended so as to provide for the establishment, maintenance and carrying on of public abattoirs in other areas throughout the State.

Two classes of public abattoirs are envisaged, firstly the purely local abattoir, that is, works solely concerned with slaughtering stock required for consumption within the area for which the local abattoir is constituted, and secondly the public abattoir which will slaughter both for the domestic market and for the export market.

Authority to establish and conduct this second class of abattoir is granted to the Queensland Meat Industry Board.

The existing membership of the Board is three. Authority is given to increase its membership to four if its operations are extended to either Central or Northern Queensland and to five if to both.

Local abattoirs are to be controlled by Local Boards representative of Local Authorities whose areas or parts of whose areas are comprised in the local abattoir area.

A power is reserved to the State Government to nominate one representative to a Local Abattoir Board if deemed advisable.

A Local Board can obtain finance by way of Treasury loans or, subject to approval by the Treasurer, public debenture loans.

The matter of establishing a local abattoir is dealt with in three phases. These are:

Firstly—method. The Local Board can itself establish and operate its own abattoir, or it can itself establish and then delegate the operation of its abattoir, or it can provide its local abattoir by arranging for slaughtering at an abattoir of the Queensland Meat Industry Board or of another Local Board, or at a suitable privately owned killing works.

The first duty of a newly constituted Local Board is, subject to Government approval, to elect the one of the above methods by which it proposed to proceed.

Secondly—the establishment of the local abattoir. If the Local Board is to establish its own abattoir, it must have the site and the plan of the works approved by the Central Government. This is important having regard to both present requirements and future development.

Thirdly—the operation of the local abattoir. The commencing day is important, as on and after that day all stock for consumption within the area must, except in exceptional circumstances, be slaughtered at the local abattoir. Moreover, meat from stock slaughtered without the area cannot thereafter be brought into the area except by special authority.

In the event of supplies of stock or of any description of stock not coming forward for slaughtering in sufficient numbers to meet the reasonable requirements of consumers within any public abattoir or local abattoir area, the Governor in Council is authorized to empower the Queensland Meat Industry Board or, in the case of a local abattoir area, the Local Board for that area to compulsorily acquire stock and to sell stock or the meat of stock so acquired to local wholesale or retail butchers.

The Commissioner of Prices is to determine the price to be paid for stock so compulsorily acquired, and also the resale price of these cattle or, if the acquiring

authority slaughters such stock and sells the meat thereof, the price of that meat.

The Act is numbered 13 Geo. VI, No. 28.

Justices.—Part IX of the Justices Acts (relating to appeals from justices) is repealed and a new part substituted therefor, with the object of providing a comprehensive method of appeal whereby the whole issue before justices can be reviewed by the Appellate Court and any and every mistake, whether of fact or law, remedied.

The new method of appeal is by way of an order to review granted by a single Supreme Court Judge upon application and returnable before the Full Court of the Supreme Court except where, by agreement between appellant and respondent, the order is made returnable before a single Judge of the Supreme Court.

A single Judge may refer an order to review made returnable before him to the Full Court for hearing and determination.

There is an appeal to the Full Court from a refusal of a single Judge to grant an order to review.

An appeal to a single Judge of the Supreme Court is provided against a conviction by Justices for an offence or breach of duty. This appeal may be by way of rehearing if the Judge so directs or the parties so agree.

Justices are given discretionary power to enforce payment of fines by imprisonment without recourse to the intermediate step of levy by distress.

The power of justices to amend complaints is enlarged for the better avoidance of the defeat of justice by technicalities.

The acceptance as sureties for bail of persons against whom the enforcement of the bond would be ruinous is prohibited (*i.e.* pensioners).

Provision is made for the more convenient recovery of fines from residents of one petty sessions district who are fined in another, and a scale of priorities for the allocation of part payments of fines is laid down.

The law respecting the constitution and alteration of petty sessions districts is modernized, and power is given to make rules of Court for Courts of Petty Sessions.

The Act is numbered 13 Geo. VI, No. 30.

Bankers' Books.—This measure (13 Geo. VI, No. 32) is substituted for a Queensland Act of 1879 which followed the similar Imperial Act of 1874.

The object of the legislation is to make entries in the books of banks regularly made in the ordinary course of business *prima facie* evidence of the matters recorded by such entries.

4. SOUTH AUSTRALIA.

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It is not easy to sum up the 56 Acts passed by the Parliament of South Australia in 1948. They dealt with many and varied topics. Possibly the dominant theme was the regulation of the economic life of the State—*e.g.* by control of prices and rents, establishment of marketing boards and promotion of land settlement. For a time the attention of Parliament was turned in upon itself, with the result that Acts were passed for increasing Parliamentary salaries and granting pensions to ex-members of Parliament. Agriculture received its share of attention in Acts dealing with eradication of fruit fly, cattle compensation and loans for farmers' private water schemes. To complete the picture we have a miscellany of amending Acts—Acts adapting old laws to new circumstances, continuing temporary Acts, improving social services and dealing with those day-to-day problems which arise in the course of public administration.

The most important of the Acts were the following:

Building Materials.—No. 14 extends for another year the Building Materials Act, 1945. It also relaxes the control of the use of building materials under the principal Act so as to allow any person, without obtaining a permit, to carry out

in any year all or any of the following operations, namely, constructing new buildings up to £100 in value, making additions up to £100 in value and effecting repairs up to £100 in value. Thus £300 in all could be spent without a permit as against the former limit of £100.

Coal.—No. 29 extends the operation of the Coal Act, 1947, until the end of 1950. The Coal Act was passed because of shortage in coal supplies and enables the State Government to ration coal, gas and electricity.

Hawkers.—No. 42 enables a municipal or district council to make by-laws regulating visiting traders who at premises within the area of the council sell goods or expose goods for sale, or solicit orders for the sale by retail of any goods.

Hide and Leather Industries.—No. 43 provides for the continuance of the scheme established by the Commonwealth during the war, for control of trade in hides and leather. The basic principle of the control was that all hides and yearling and calf skins produced in Australia were compulsorily acquired by a Board. The Board sold part of them in Australia at controlled prices, exported the rest and divided the proceeds among producers. The scheme involved the control of intra-State trade—a matter beyond the powers of the Commonwealth, except as a defence measure—and could not therefor be continued indefinitely under Commonwealth laws. When the Commonwealth announced its intention of abandoning the control, the States agreed to carry it on mainly to ensure the retention in Australia of adequate supplies of hides and leather at reasonable prices. Act No. 43 therefore adopts the marketing scheme in South Australia.

Hospital Benefits.—By an agreement made in 1945 between the Commonwealth and the States of Australia the Commonwealth agreed to pay each State 6*s*. per day for each occupied bed in a public hospital in that State.

Of the sum so payable to a State a portion—1*s*. 5*d*. out of each 6*s*. in South Australia—had to be set aside for capital improvements to hospitals.

In 1948 an amending Agreement was made increasing the payment to 8*s*. per bed per day and permitting the State to spend the whole of the money on maintenance. Act No. 36 ratifies this Agreement.

Industrial Code.—Under the Industrial Code, 1920 Industrial Boards (commonly called Wages Boards) have no power to fix wages in excess of £10 a week. Act No. 15 increases this figure to £15. It also empowers the Industrial Court to make consolidating awards comprising any existing awards with their amendments.

Rent Restriction.—The principal Act of 1942 applied only to residential premises. By Act No. 5 control of rents is extended to all premises. Rents of business premises thus brought under control are pegged at the amounts lawfully chargeable at June 30, 1948, but may be varied by the South Australian Housing Trust on application.

The Act adopts as State law the provisions of the Commonwealth National Security Regulations restricting the right of a landlord to evict his tenant. It also abolishes distress for rent.

Land Settlement.—No. 49 empowers the Government to acquire 250,000 acres of land in the south-eastern part of the State. When the land is acquired the Government will drain it, prepare it for settlement and allot it in blocks. In the allotment of blocks a previous owner will have a preferential right to a block.

Legal Practitioners.—No. 44 makes it an offence for a person who is not a legal practitioner (including a solicitor who has been struck off the rolls) to pretend to be a legal practitioner.

Limitation of Actions.—No. 45 reduces the period of limitation for actions for the recovery of land from twenty to fifteen years and the over-riding period of limitation as against persons under disability from forty to thirty years.

Liquor Licences.—Under the present law when a Government authority acquires an hotel or other licensed premises in order that the land on which they are built may be used in connexion with public works, the liquor licence held in respect of the acquired premises lapses when the premises are pulled down or otherwise cease

to be used as licensed premises. Under the Act No. 50 it is provided that in such circumstances the licence will not lapse, but will become a dormant licence which may be sold by the Government authority. The purchaser will have the right to transfer the dormant licence to any property approved by the Licensing Court for use as licensed premises, and thereupon the dormant licence will be revived as an ordinary licence.

Water Conservation.—No. 38 authorizes the State Bank of South Australia to make loans up to £1,000 to landowners for the purpose of providing water storages or supplies on their land or for extending existing storages or supplies.

Loans may be made up to nine-tenths of the value of the security, and may be secured by a second or subsequent mortgage to the State Bank.

The maximum period for repayment of a loan is fifteen years.

Local Government.—Act No. 51 makes numerous amendments to the laws relating to municipal and district councils. It provides that the amount which a council can recover from owners of land for work done by the council in constructing streets and footpaths abutting on such land is increased from 4*s*. per foot to 6*s*. per foot. The law relating to polls on loans to be raised by councils is altered. Under present law a council is obliged in most cases to take a poll of ratepayers before raising a loan, and the principal Act provides that a poll will be deemed to be carried in the affirmative unless at least 10 per cent. of the ratepayers vote against it and these ratepayers constitute a majority of those who voted. Act No. 51 increases the requirement of 10 per cent. to 20 per cent. The powers of councils to borrow on overdraft are increased so that both municipal and district councils can in any year borrow up to one half of the previous year's income. Councils are also given extended powers to make by-laws controlling the erection of advertising signs and hoardings. Formerly they could control the erection of such signs and hoardings within 12 feet of a footway. Act No. 51 removes the limitation of 12 feet.

Mental Institution Benefits.—No. 52 enables the State to enter into an agreement with the Commonwealth under which the Commonwealth will pay to the State a fixed sum per day for each patient maintained in a mental hospital by the State. In return the State must undertake to make no charge for the maintenance of such patients.

Parliamentary Superannuation.—No. 8 provides for pensions for ex-members of Parliament. It establishes a Parliamentary Superannuation Fund, which will be under the control of the President of the Legislative Council, the Speaker of the House of Assembly and the Under Treasurer. Into this fund will be paid contributions by members of Parliament at the rate of £58 10*s*. a year and contributions by the Treasurer out of the General Revenue of the State, sufficient to provide for all payments of pensions.

Twelve years' service as a member is required to qualify for pension. A member cannot enter on a pension until he has attained the age of 50 years and has paid into the fund at least £351 by way of contributions. Further, a member cannot obtain a pension unless, being otherwise qualified, he stands for re-election and is defeated, or satisfies a Judge of the Supreme Court there there are good and substantial reasons why he should not stand for re-election. The rate of pension is £250 a year, plus £20 a year for each complete year of service in excess of twelve, with a maximum pension of £370 a year.

On the death of a pensioner, or of a member who was qualified for pension, his widow is entitled to pension at the rate of three-fifths of the husband's pension.

Pastoral.—No. 31 provides that a lessee of pastoral land north of the dog fence shall, before mustering cattle on his land, give not less than fourteen and not more than twenty-eight days' written notice to neighbouring lessees. Pastoral properties in this area are unfenced, and the purpose of the provision is to enable neighbouring lessees to secure their cattle (principally unbranded calves) from the mustered cattle.

Payment of Members of Parliament.—No. 9 increases the rate of payment to metropolitan members of Parliament from £600 to £900 a year. Members representing a district any part of which is more than fifty miles from the General Post Office, Adelaide, will receive £950 a year, and members representing a district the whole or a part of which is more than 200 miles from the General Post Office, Adelaide, will receive £975 a year.

Phylloxera.—No. 26 makes some administrative amendments of the law relating to the prevention of phylloxera (a most destructive disease affecting grape vines), and enables the Phylloxera Board to import into South Australia phylloxera-resistant cuttings, with the object of breeding phylloxera-resistant vines. Prior to this Act, the method of preventing phylloxera was to prohibit completely the import of vines and vine cuttings. Under the Act this prohibition will be relaxed subject to prescribed safeguards.

Physiotherapists.—No. 53 permits trainers of football and cricket teams and of other similar bodies to apply physiotherapy to members of such teams without being registered as physiotherapists.

Potato Marketing.—No. 32 establishes a South Australian Potato Board, and confers on it power to control the marketing of potatoes. The board will consist of nine members, two being Government representatives, five being growers' representatives, and two being merchants' representatives. The board is empowered to register growers of potatoes and license wholesale merchants. The board has no power to acquire and market potatoes. Its powers are to regulate the marketing of potatoes by fixing the quantity of potatoes, or the proportion of his crop, which a grower may sell or deliver at any time or place, and by fixing prices.

Prices.—No. 2 provides for the control by the State of the prices of commodities and land. The Act was passed in view of the decision of the Commonwealth Government to abandon price control under National Security Regulations. On the whole, the Act is similar in main outlines to the Commonwealth regulations.

Some alterations in principle, however, have been made. Whereas under the Commonwealth regulations the prices of goods and services were fixed by a civil servant—the Prices Commissioner—the State Act provides that they will be fixed by a Minister, and in general Ministerial control is substituted for official control.

As regards the control of land sales, the main difference between the State Act and the Commonwealth Regulations is that under the Act industrial properties are not subject to control nor are vacant blocks of land exceeding one acre in area, unless used for primary production.

Public Service.—No. 39 provides for the abolition of the existing Public Service Classification and Efficiency Board, and the substitution therefor of a new board to be called the Public Service Board. The main points of difference between the new Board and the old Board are as follows:

(*a*) Before the chairman of the new board is appointed the Minister is required to consult with the President and General Secretary of the Public Service Association.

(*b*) If the Public Service Commissioner is Chairman of the Board he will not be entitled to sit on the Board on the hearing of any appeal against a decision given by himself. On the hearing of any such appeal his place will be taken by a fourth member.

(*c*) The duty of reorganizing and securing efficiency in Government departments which was imposed on the old Board is transferred to the Public Service Commissioner.

The Act also provides that Government employees may be granted long-service leave for their years of service in excess of twenty. Such leave was formerly not available.

River Murray Waters.—No. 54 ratifies an agreement between the Commonwealth and the States of New South Wales, Victoria and South Australia for the

further variation of the River Murray Waters Agreement under which the engineering works for locking the River Murray were constructed jointly by the above-named States.

The amending agreement authorizes works to increase the capacity of the Hume Dam from 1,250,000 acre-feet to 2,000,000 acre-feet of water, and to increase the capacity of the inlet works of Lake Victoria.

The agreement also provides for the creation of a reserve of water for drought years, and otherwise for the regulation and control of the flow of the River Murray.

Road Traffic.—No. 55 makes a number of miscellaneous amendments to the law relating to road traffic. The most important are as follows:

(*a*) The insurance of a motor vehicle is required to cover a period expiring fourteen days after the registration of the vehicle expires.

(*b*) Where a person is convicted for a second or subsequent offence against the provisions of the principal Act relating to speed limits, negligent and careless driving, and failure to give way at inter-sections, the Court must order that the defendant be disqualified from driving for a period fixed by the Court, unless the Court is satisfied by evidence on oath that the offence is trifling.

(*c*) A fixed speed limit of forty miles an hour is prescribed for municipalities, towns and townships.

(*d*) The penalties for driving while drunk are increased, and the standard of intoxication required to be proved is lowered.

(*e*) The Commissioner of Police is empowered to erect a notice on any bridge fixing a special speed limit for vehicles crossing that bridge.

Savings Bank of South Australia.—No. 33 authorizes the Savings Bank of South Australia to issue to any person or body from which it is authorized to receive deposits, stock known as Savings Bank deposit stock.

The maximum amount of stock which may be held by any one person is £2,000. Stock is to be issued in multiples of £10, and may be redeemed by the Bank on the giving of the requisite notice.

Provision is made for the registration and transfer of stock.

Stock Foods.—No. 18 provides that a person shall not sell to the prejudice of the purchaser any stock food if the label or the invoice certificate given with it is false in any material particular.

Superannuation.—No. 12 increases the value of each unit of pension for which a Government employee may subscribe, from £26 to £32 10*s*. and increases the maximum number of units for which an employee may subscribe from 12 to 20. The joint result of these two amendments is that the maximum pension, which was formerly £312, is now £650. Provision is also made enabling any employee whose salary does not entitle him to subscribe for the maximum number of units of pension to subscribe for reserve units, which will become actual units when the salary of the employee is sufficiently large to entitle him to take up the units.

Wheat Industry Stabilization.—The object of No. 27 is to enact the complementary State provisions which are required in order to carry out the Commonwealth Wheat Industry Stabilization Scheme. The general effect of the Act is that farmers in South Australia are required to deliver their wheat for marketing to the Australian Wheat Board and accept the price fixed by that Board in accordance with Commonwealth law. In addition, the Commonwealth guaranteed minimum price is fixed as the home consumption price for wheat sold in South Australia.

5. TASMANIA.

[*Contributed by* R. A. Lewis, Esq., *Chief Parliamentary Draftsman.*]

During the year 1948 the Tasmanian Parliament passed 78 Acts; in two different Parliaments. The twenty-eighth Parliament began the legislative year with its

Second Session, which continued until the dissolution of the House of Assembly in July, following the rejection by the Legislative Council of the Supply Bill. At a general election held on August 21, the Labour Party lost its working majority in the House of Assembly, but, as the largest Party in that chamber, was able to form a Government which must rely upon support from the Independent group to remain in office. At the election, the Labour Party won 15 of the 30 Assembly seats, the Liberal Party 12, and the Independents 3. A new Parliament assembled for its First Session in September, and that Session continued until early in December. Accordingly, this review deals with the Acts passed during 1948 by the two Parliaments. The earlier Parliament passed 32 of the year's 78 Acts, and the present Parliament passed 46. This represents an appreciable drop in the legislative output as compared with the preceding year, but this is attributable directly to the disturbed political situation. (It will be remembered that, as from January 1, 1948, by reason of the provisions of the Acts Enumeration Act, 1947 the Acts of the Tasmanian Parliament are now numbered according to the calendar year and not, as heretofore, according to the year of His Majesty's reign.)

Of the Acts passed during the year under review, 19 are mainly financial, 14 are local or private, and 7 are amendments of a purely formal or administrative nature and 1 of little general interest. Of the Acts passed during the year, 4 were the direct result of the decision of the Commonwealth Government to terminate its control over rents, evictions, land sales and prices, following the rejection by the people of Australia, at a referendum held in May 1948, of that Government's proposed amendments of the Commonwealth Constitution, to confer on the Commonwealth Parliament a permanent power to make laws with respect to price control and rent control. Others (*e.g.* Apple and Pear Marketing Act, Hide and Leather Industries Act, Wheat Industry Stabilization Act) result from growing doubts as to the extent to which the defence power of the Commonwealth can be relied upon at this stage to support important Commonwealth legislation. The Acts in question are interesting examples of legislative and administrative co-operation between the Commonwealth and the States, and are designed to continue the Commonwealth marketing schemes with the support of State legislation, in order to prevent those schemes from collapsing by reason of an adverse decision by the High Court as to the Commonwealth's constitutional powers. Of the remaining Acts, some are a reflection of the rapid industrial expansion which is taking place in the State and others are indication of the increasing encouragement given by Governments throughout Australia to educational and cultural activities.

Bank Holidays.—The Bank Holidays Act, 1948 (No. 45), makes provision for the observance of bank holidays on the Monday after New Year's Day when New Year's Day falls on a Saturday or a Sunday; on the Monday after Christmas Day when Christmas Day falls on a Friday; and on the Monday and Tuesday after Christmas Day when Christmas Day falls on a Saturday or a Sunday. The Act also provides that references in industrial awards to days in lieu of or in substitution for New Year's Day and Christmas Day shall be construed as references to the days on which the above-mentioned bank holidays are publicly observed.

Building Materials.—The Building Materials Act, 1948 (No. 41), prohibits the sale, use, etc., of butt-welded or galvanized sheet-iron (whether corrugated or plain) except under permit. It also prohibits the use of bricks in any type of building, other than a dwelling-house, except under permit. Bricks may be used for the purpose of erecting, altering or repairing a dwelling-house without a permit.

Education.—The Adult Education Act, 1948 (No. 23), provides for the establishment of a statutory board which is required and empowered to advise the Minister on matters of general policy with respect to adult education, to investigate and report upon matters relating to adult education which may be submitted to it for investigation; to plan and supervise the administration and development of adult education; to recommend steps to co-ordinate the activities of bodies engaged in adult education; to organize lectures, classes, vacation schools and similar activi

ties; and generally encourage adult education. There is to be a Director of Adult Education, who is to be the chief executive officer of the board. The board is empowered to appoint local advisory committees to advise the board with respect to the requirements of their districts and generally to foster a local and personal interest in adult education. Provision is made also for the appointment of staff and for the expenses of administration.

Fruit.—The Apple and Pear Marketing Act, 1948 (No. 68), makes provision for the marketing of the 1948–9 crop of apples and pears. The Australian Apple and Pear Marketing Board constituted under the National Security (Apple and Pear Acquisition) Regulations of the Commonwealth is set up as the marketing authority for the purposes of the Act and is to act as the agent of the State Minister. The scheme is to be operated on the contract system, and is contingent upon contracts being entered into with growers in respect of not less than 80 per cent. of the estimated total crop of apples and pears for the year 1949.

The Fruit Board Act, 1948 (No. 73), makes provision for a scheme of compulsory hail insurance. The Act requires every grower of apples or pears, on or before January 10, 1950, and in every subsequent year thereafter, to insure his fruit with the Tasmanian Government Insurance Office. Private fire, accident and marine insurance companies are authorized to act as the agents of the Government office, and will be allowed a commission of 5 per cent. The Act will come into operation only if it is approved at a poll of fruit-growers registered under the provisions of the Principal Act.

The Fruitgrowers' Relief Act, 1948 (No. 76), provides for the granting of assistance to fruit-growers who suffered loss by hail occurring during the month of November 1948. This Act, which applies to small fruits as well as apples and pears, is contingent upon the acceptance of the compulsory hail insurance scheme provided for in the Fruit Board Act, 1948 (No. 73), as it is to commence on the date on which that Act commences.

Housing.—The Homes Act, 1948 (No. 20), empowers the Board of Management of the Agricultural Bank of Tasmania to purchase easements, etc., and to grant any easements or licences over any land vested in it.

Industries.—The Industries Establishment Act, 1948 (No. 47), provides for the establishment of an advisory committee (of which the Director of Industrial Development is to be the chairman) to advise the Director with respect to matters arising in connexion with the administration of the Principal Act. The Director may not, in future, make any recommendation with respect to the expenditure of moneys under the Principal Act unless the question of such expenditure has first been submitted to the advisory committee for consideration and report.

The Director is also to submit an annual report on the operations of the committee. The limit on the amount to be borrowed by the Treasurer for the purposes of the Principal Act has been raised from £200,000 to £500,000.

Hides and Leather.—The Hide and Leather Industry Act, 1948 (No. 66), makes provision for the stabilization of the hide and leather industries, and is complementary to the Hide and Leather Industries Act, 1948, of the Commonwealth. The Act makes the Australian Hide and Leather Industries Board, constituted under the Commonwealth Act, the marketing authority. Provision is made for the appointment of an Appraisement and Allocation Committee. As an alternative, the Minister may enter into an arrangement with the appropriate Minister of the State of Victoria for the exercise by a committee under the corresponding Victorian Act of the powers and functions of the Appraisement and Allocation Committee. The Act requires all hides (other than hides salted and treated in a meatworks) to be submitted for appraisement. The sale of hides which have not been appraised is prohibited (except in the case of sales to licensed dealers). The Board is empowered to license persons to deal in hides on their own behalf or on behalf of the Board. The Act also provides that all hides salted and treated in a meatworks, and all hides submitted for appraisement, shall become the property of the Board,

and provision is made for payment for all hides acquired by the Board. The Board is empowered to determine which hides may be sold at home consumption sales and which may be sold at export sales. Contracts relating to the sale of hides which are acquired by the Board by virtue of the Act are declared to be void, and the Board is given power to purchase and sell hides and leather, and to manage all things connected with the handling, storage, treatment, protection, transfer and shipment of hides and leather.

Hobart Bridge.—The Hobart Bridge (Acquisition and Administration) Act, 1948 (No. 74), empowers the Minister to acquire the whole of the shares in the Derwent Investments Pty. Ltd., as from January 15, 1949, at the price of £70,000. Upon the acquisition of the shares, the Minister may appoint directors, in lieu of the present directors, and the Company is obliged to convey or transfer to the Board of Management of the Agricultural Bank the land owned by the Company on the eastern shore of the River Derwent. The Act also provides for the abolition of tolls in respect of the bridge as from January 1, 1949, and makes provision for the finance required for meeting future costs of maintenance, administration and operation of the bridge.

Landlord and Tenant.—The Landlord and Tenant (Temporary Provisions) Act, 1498 (No. 28), makes provision for the continuation for a limited period of the operation, in relation to Tasmania, of the provisions of the National Security (Landlord and Tenant) Regulations of the Commonwealth. The Act, in effect, provides that, on and after the date of the commencement of the Act, the said regulations (with minor exceptions), in the form in which they existed immediately prior to that date, shall be deemed to be in operation as if they were regulations made under the Act.

Provision is made for the appointment of a Rent Controller and staff, and for the punishment of offences. The Governor is empowered to make regulations for or in respect of any matters or class of matters dealt with in the Commonwealth regulations, and for repealing or amending those regulations, as in force by virtue of the Act. Provision is made for construing certain references in the Commonwealth Regulations, as in operation by virtue of the Act, as references to the appropriate State authorities. All determinations, orders, etc., made under the Commonwealth regulations and subsisting at the date of the commencement of the Act, are continued in full force until varied or revoked under the regulations, as in operation by virtue of the Act.

Land Sales Control.—The Land Sales Control Act, 1948 (No. 34), provides for the regulation and control of prices payable in respect of certain transactions in land. The Act follows closely the provisions of the National Security (Economic Organization) Regulations of the Commonwealth.

The system of control is identical, in all practical respects, with that formerly administered by the Commonwealth Treasury.

The Act commenced on September 20, 1948, and was, originally, to expire on December 31, 1948. However, by Act No. 71 the expiry date was extended to December 31, 1949. Act No. 71 also makes provision for the lifting of controls with respect to commercial land and vacant land, but requires particulars of transactions relating to those classes of land to be furnished to the Treasury. The Act also allows an increase above the 1942 values in the case of residential land and country land. In the former case the margin is to be 20 per cent. and in the latter 15 per cent.

Land Settlement.—Act No. 72 extends for a period of six months the time within which an area may be declared to be a reserved area for the purposes of settlement by discharged members of the Forces in accordance with the provisions of the Commonwealth and State War Service Land Settlement Agreement Act, 1945.

Marine Boards.—The Marine Act, 1948 (No. 54), makes provision for the

appointment by any corporation which is an elector for the Hobart Marine Board of one of its directors or managers, or of its secretary as an elector in its place.

The Act also prohibits the display (except with the permission of a marine board or harbour trust) of neon signs and similar lights in positions from which they are visible from the navigable waters of any port or harbour, and empowers marine boards and harbour trusts to require persons to extinguish or screen fires or lights which may reasonably be mistaken for navigation lights or which throw a gleam which may affect navigation.

Parliamentary Salaries and Allowances.—No. 59 provides for increases in the salaries and allowances of Ministers of the Crown, Members of Parliament and officers in Parliament (Speakers, Chairmen of Committees, etc.) in conformity with the recommendations of a judicial committee set up by the Government to inquire into and report upon the salaries and allowances of Members of Parliament.

Price Control.—The Prices Act, 1948 (No. 33), makes provision for the control of prices by the State. The Act provides for the fixation of prices by a State Prices Commissioner, and contains many of the provisions of the National Security (Prices) Regulations of the Commonwealth.

It provides that until a new price or rate is fixed under the Act in respect of any declared goods or declared services, the maximum prices and rates fixed under the Commonwealth Regulations which were operative on September 19, 1948, are to continue to be the maximum prices or rates of those goods and services for the purposes of the Act.

Shipping.—Act No. 60 makes provision for the payment of subsidies to persons carrying on shipping services to the islands in Bass Strait.

The maximum rates of subsidy are: in respect of general cargo, 10*s.* per ton, and in respect of livestock, amounts ranging from 1*s.* 8*d.* per head in the case of sheep to 20*s.* per head in the case of cattle and horses.

Tasmanian Orchestra.—Act No. 11 authorizes the execution by the State of an agreement with the Australian Broadcasting Commission and the Councils of the Cities of Hobart and Launceston with respect to the establishment and maintenance of an orchestra to be known as the Tasmanian Orchestra. The Act also makes provision for the carrying out of the agreement by the parties to the agreement, and for other matters incidental thereto.

Taxation.—Act No. 14 ratifies and confirms an Arrangement made between the Commonwealth and the State with respect to the assessment and collection by the Commonwealth, on behalf of the State, of income-tax imposed, and not collected by the State prior to July 1, 1946.

Wheat.—Act No. 69 relates to the stabilization of the wheat industry, and is complementary to the Wheat Industry Stabilization Act, 1948, of the Commonwealth.

The Australian Wheat Board constituted by the Commonwealth Act is to be the marketing authority (subject to the directions of the Commonwealth Minister). The Board is empowered to purchase, sell and dispose of wheat, various wheat products, jute and jute products, and to manage and control all things relating to the handling, storage, protection, treatment, transfer and shipment of those products. The Board is also authorized to license persons to receive wheat on behalf of the Board. Persons in possession of any wheat may and, if directed by the Board, shall deliver that wheat to the Board or to a licensed receiver, and thereupon it vests in and becomes the property of the Board. Unauthorized dealings with wheat are prohibited, and provision is made for fixing a home consumption price for wheat, which is based upon and related to the guaranteed price prescribed in the Commonwealth Act.

Workers' Compensation.—The Workers' (Occupational Diseases) Relief Fund Act, 1948 (No. 1), raises from fourteen to sixteen years the maximum age of dependent children in respect of whom compensation under the Principal Act is payable, and increases the maximum amount of compensation payable from £600

to £900. The Act also increases the amount of compensation to be paid on the death of an employee from £400 to £750, and the additional amount to be paid in respect of each dependent child is increased from £50 to £70, but the aggregate amount payable shall not exceed £900.

The Workers' Compensation Act, 1948 (No. 43), extends the Principal Act to provide for payment to a worker who is injured at his place of employment or while travelling between his residence or place of employment and any trade or technical school which he is required to attend or while he is in attendance at any such school.

6. VICTORIA.

[*It is hoped to publish the review in the next issue.*]

7. WESTERN AUSTRALIA.

[*Contributed by* R. V. Nevile, Esq., *State Crown Solicitor.*]

Rent Restriction.—The principal Act is amended by No. 2 to ensure the continuance of certain National Security (Landlord and Tenant) Regulations now embodied in the Act with additions that it shall be deemed a hardship if lessor is deprived of any pension or is adversely affected by income tax in respect to the lease.

Prices Control.—No. 3 provides for the control of prices and rates for goods and services and enacts that until regulations are made under this Act in respect of any matter, the National Security (Prices) Regulations shall have the force of the law relating to that matter.

Land Sales Control.—No. 4 provides for the control of Land Sales and re-enacts with necessary modification the provisions of certain National Security (Economic) Organization Regulations controlling certain land transactions.

Brands.—No. 5 enlarges the power of the Registrar to cancel brands.

Constitution.—No. 12 provides that the holding or acceptance of office of pharmaceutical chemist under the Pharmaceutical Benefits Act, 1947, of the Commonwealth or of medical practitioner approved under s. 11 of the said Act, shall not be the holding or acceptance of an office of profit from the Crown.

Licensing.—No. 14 excepts from the restriction of employment of persons of Asiatic race on licensed premises of any person of such race who is a natural-born British subject whose domicile is within the State at the commencement of the Act or a descendant of such person if the domicile of the descendant is within the State.

Factories and Shops.—No. 15 excludes from the restriction of engagement of persons of an Asiatic race in factories of any person of an Asiatic race who is a natural-born British subject and whose domicile was within the State at the commencement of the Act or the descendant of such person if the domicile of the descendant is in the State.

Prevention of Cruelty to Animals.—No. 18 defines "cruelty" and "owner" for the purposes of the Act; increases the power of the Courts, constables and officers of the Society for the Prevention of Cruelty to Animals under the Act; extends the limitation of time for laying complaints from 30 days to 6 months and provides that the minimum penalties provided shall be irreducible.

Health.—No. 22 empowers a Local Authority to make by-laws with respect to the destruction of Argentine ants and other insect pests as may be prescribed.

Marriage.—No. 23 enacts minor changes in procedure and amends the law relating to consents required to the marriage of infants and gives a right of appeal to a Court in certain cases when the consent is withheld.

Builders' Registration.—No. 24 increases the value of works not subject to the

Act from £400 to £800, increases penalties; provides that permits are not to be issued to unregistered persons, and requires registered builder to have on works under his control a sign showing his name and registered number.

Poultry Industry.—No. 28 authorizes the establishment of a Trust Fund in relation to the Poultry Industry for the administration and application of the Fund generally for the improvement of the industry.

Justices.—No. 29 amends the provisions dealing with appeals requiring all appeals to be entered before a Judge in Perth. It increases the amount of recognisance on appeal from £20 to £25. The appellant is now required to be present before the Court on the hearing, and the Court is empowered to vary, reduce or increase the penalty imposed.

Holidays.—No. 30 provides that any day during 1949 may be proclaimed for the observance in any specified part of the State of a holiday for Foundation Day.

No. 44. This Act alters Labour Day from the first day of May to the first day of March.

No. 45 amends the provisions relating to holidays by substituting Labour Day (First day of March) for Labour Day (First day of May).

Motor Vehicles.—No. 31 establishes a Trust to administer the Fund under the Act. The Fund consists of contributions, premiums and other moneys collected under the Act. The issue of policies is confined to Local Authorities who act as agents for the Trust.

Marketing of Apples and Pears.—No. 34 provides for the acquisition of apples and pears and the marketing thereof by a State Board to carry on on similar lines to the Australian Apple and Pear Marketing Board as constituted under the National Security (Apple and Pear Acquisition) Regulations.

Legal Practitioners.—No. 37 gives the Barristers' Board further power to make rules in respect of articles and articled clerks. The Crown Solicitor for the time being may now have clerks articled to him. A new section is inserted dealing with what persons may be admitted, and the Board is given more power in dealing with the conduct, neglect or undue delay of practitioners.

Nurses.—No. 38 brings nurses qualified as mothercraft nurses under the principal registration Act.

Land Tax.—No. 40 provides that the unimproved value in respect of a pastoral lease shall be a sum equal to twenty times the annual rent reserved by the lease and exempts from assessment for taxation, improved land used solely or principally for the purposes of an agricultural, pastoral, horticultural, apicultural, grazing, pig-raising or poultry-farming business.

Milk.—No. 41 provides for the appointment of a Board comprised of a Chairman and two other members. The Board is given power to require production of accounts. In certain circumstances milk is vested in the Board which can deal with the milk. The consent of the Board is required for the sale of the businesses of dairyman, milk vendor or milk treatment under the Act. The compensation fund in respect to diseased cattle is made voluntary and only contributors thereto can claim thereunder.

Hide and Leather Industries.—No. 42 provides for an Appraisement Committee and an Allocation Committee to deal with hides and vests certain hides in the Australian Hide and Leather Industries Board constituted under the Hide and Leather Industries Act, 1948, of the Commonwealth. The Act controls the acquisition and disposal of hides and leather. The provisions are similar to the New South Wales Act.

Coal Mine Workers Pensions.—No. 43 amends the definition of " mine worker " by excluding persons first employed in coal mines after January 1, 1949, who are over 35 years of age or have failed to pass a prescribed medical examination and also transport workers on excavations, removal of overburden or on " open-cuts." The amount payable in respect of pensions is increased and the rates of contribution fixed.

Industrial Arbitration.—No. 46 extends the tenure of office of ordinary members of the Arbitration Court from 3 years to 5 years. It provides for the appointment of a Conciliation Commissioner at a salary to be fixed with the jurisdiction of an industrial board or chairman thereof under s. 109 of the Act or such further or other jurisdiction as may be delegated to him by the Court or President. It also provides for the appointment of an Assistant Registrar of Industrial Unions.

Guardianship of Infants.—No. 47 empowers the Court to appoint guardians where none in existence or they are unable or refuse to act.

Land.—No. 53 enables descendants of the original inhabitants of Australia to be granted any area of land not exceeding that prescribed for conditional purchase by s. 47 of the Act. The vesting and leasing of reserves is governed by a new section, and the Governor is empowered to dispose of land set apart as a Farm Reconstruction Area to the Rural and Industries Bank in fee simple subject to the payment of the price which would be charged under Parts V or VIII of the Act. The fee on the issue of a Crown Grant is increased from 30*s.* to £2.

Trading Stamp.—No. 55 to come into force on proclamation. The use of trading stamps is prohibited, as are certain transactions in connexion with the sale and advertisement of goods.

Hospital Benefits.—No. 58 authorizes the execution by or on behalf of the State of an agreement between the Commonwealth and the State in relation to Hospital Benefits.

State Transport Co-ordination.—No. 59 brings Government omnibuses, trolley buses and goods vehicles under the operation of the Act. The Board is given power to add to, vary or cancel the conditions of an omnibus licence, which may be granted for a period up to seven years. The radius under which vehicles may claim exemption is extended from fifteen to twenty miles, and staging is prohibited. The financial provisions are amended and the Board is required to co-operate with the Minister and any Government Department or Body carrying on any public social service or public utility. Any dispute arising therefrom may be determined by the Governor.

Parliamentary Superannuation.—No. 60 provides for the payment of pensions and other benefits to persons who have served as Members of Parliament and to their dependants from funds provided by contributions from Members of Parliament.

Elections.—No. 63. The period of residence for qualification as an elector is increased from one month to three months, and a claimant is required to supply the date and place of his birth. The period during which objections against claims and enrolments are not to be received or heard is altered from after the issue of the writ to after the fourteenth day next preceding the date of election, and the time for altering the rolls has been amended. The dates of nomination, polling and for the return of the writ have been amended. Provision has been made for absent voting, and also for votes for persons claiming to be entitled but whose names do not appear on the roll. The Court of Disputed Returns is empowered to permit the inspection of rolls and other documents and the copying thereof, and may permit amendments to the petition.

Pharmacy and Poisons.—Subject to the Minister and the Act (No. 66), the Council of the Pharmaceutical Society is made responsible for the administration of the Act. Power is given to the control of the sale of certain drugs set out in new schedules to the Act, which schedules may be amended by order of the Governor.

Health.—No. 70 provides for the establishment and maintenance of Tuberculosis Control Branch of Public Health Department and hospitals, sanatoria and clinics for the treatment and control of tuberculosis.

No. 71 includes cosmetics, absorbent cotton-wool and surgical dressings in the definition of "Drugs." Adds the words "baths and wash troughs" to the definition of "sanitary convenience."

Power is given to make by-laws in relation to regulating the collection and

disposal of pig-swill, prohibiting the use of damaged vessels for serving food for reward, dealing with rodents, and the provision of bathroom and laundry conveniences.

The Governor is given power to make regulations requiring persons engaged in prescribed industries to submit themselves for periodical medical examinations. Insecticides are included with disinfectants in s. 221.

Regulations may be made: (1) prescribing the paint, colour or other prescribed matter to be used on toys, wallpaper, serviettes and paper for use in enclosing food; (2) prohibiting the manufacture, sale and offering for sale of textile substances or leather for wearing apparel which contains arsenic, lead, antimony or barium, and (3) prohibiting the manufacture, sale or, offering for sale of tubed nursing bottles for infants' food.

Provision is made for reports to be furnished by medical practitioners attending any premature birth, stillbirth or abortion, and for postmortem examinations in certain cases.

Local Authorities are authorized to provide free immunization against diphtheria, whooping cough and tetanus.

Navigation.—No. 72 consolidates and amends the Law relating to marine navigation and boat licensing. It is based on the Merchant Shipping Act (U.K.) and the Navigation Acts of the Commonwealth, New South Wales and Queensland, and the South Australian Marine Act. It is designed to bring law relating to local navigation into line with the other States and places the administration of the Act in the Harbour and Light Department of the State subject to the Minister.

A new part has been added dealing with Boat Licensing previously covered by the Boat Licensing Act, 1878–1936.

Matrimonial Causes and Personal Status.—No. 73 amends and codifies the law relating to Matrimonial Causes and to Declarations of Personal Status.

Dog.—The Courts are required by No. 74 to order the payment of the registration fee convicting any person for keeping an unregistered animal.

Any dog found in an enclosed area where poultry are confined, may be destroyed.

Power is given to local authorities to maintain pounds and the Governor may, by order in council, authorise a Local Authority to make regulations under the Act.

Wheat Industry.—No. 75 provides for a Western Australian Agency Board of the Australian Wheat Board constituted by the Wheat Industry Stabilization Act of the Commonwealth (No. 48 of 1948) to act as agent of the Board with similar powers to license receivers of wheat and to acquire wheat and other property as is given to the Board by the Commonwealth Act. Other provisions follow the Commonwealth Act. The provisions of the Act are similar to the New South Wales Act.

Bush Fires.—No. 76 provides that any district in which a bush fire brigade is established, may be declared an approved district upon which the insurance premiums in respect of crops shall not exceed 75 per cent. of those charged in areas not approved. These provisions are to continue in force until December 31, 1950 and no longer.

Workers' Compensation.—Benefits payable are increased by No. 77 and the definition of " worker " amended to include those earning up to £750 per annum, policemen and members of the employer's family in certain cases.

Dependents not residing within the Commonwealth cannot benefit unless residing within another country having legislation with reciprocal application.

A Workers' Compensation Board is constituted with exclusive jurisdiction over all matters arising under the Act. The Board may review its own decisions and is not bound by precedent or technicalities or the laws of evidence. The Board is empowered to investigate industrial diseases and carry on education in accident prevention.

It may register medical practitioners authorized to treat injured workers and

prohibit unregistered practitioners from charging fees and may hold inquiries into the conduct of medical practitioners with respect to the treatment of injured workers.

Government Railways.—No. 78 provides for the constitution of the Western Australian Government Railways Commission consisting of a Commissioner and two Assistant Commissioners to have, subject to the Minister, the direction and management of the Western Australian Government Railways.

Provides for the auditing of the accounts by the Auditor-General.

The Commission is to, so far as is practicable, confer and co-operate with other departments when the exercise of the powers of the Commission affect such other departments.

Bush Fires.—No. 79 provides for the co-operation of occupiers of railway land and contiguous land in burning-off operations. The Minister may declare it unlawful to operate a tractor during prohibited times unless fitted with a fire extinguisher as prescribed, with the exhaust pipe vertical, the exhaust system maintained in efficient condition and fitted with a spark arrester.

Provision is made for the recovery of costs incurred in extinguishing fires by a Local Authority or forest officer.

The minimum penalty for any offence is fixed at one-tenth of the maximum if no other minimum is prescribed. Any person lighting or using a fire in compliance with the Act without negligence is not liable in damages resulting from his so doing.

Sewerage.—No. 82 authorizes the construction, maintenance and control of sewerage works in certain areas and districts by the Minister for Water Supply Sewerage and Drainage.

Mines.—No. 84 provides for the establishment of a Coal Mines Advisory Board and the appointment of a Chief Coal Mining Engineer, who shall be the chairman of the Board.

The Board is to advise the Minister on matters affecting the working of the mines, but not on industrial matters.

The Act also provides for the constitution of a Western Australian Coal Industry Tribunal to consider and determine any industrial matter or dispute subject to the Act, and to the extent that they are not in excess of the legislative powers of the State.

Provision is made for the continuance of awards relating to this State under the National Security (Coal Mining Industry Employment) Regulations of the Commonwealth should such regulations cease to have effect.

The Minister may constitute a Coal Committee to be charged with the regulation and control of the distribution of coal within the State so far as such powers are not in excess of the legislative powers of the State.

IV. NEW ZEALAND.

[*Contributed by* H. D. C. Adams, Esq., C.M.G., LL.B., *Law Draftsman.*]

The Second Session of each of New Zealand's triennial Parliaments has always been regarded as the working session, and this is particularly true of the 1948 session of the 28th Parliament, which extended from June 22 to December 8, and produced a record amount of legislation (82 Public Acts, 13 Local Acts and 4 Private Acts). For the first time the annual volume of statutes had to be divided into two volumes. Space being available in the second volume, a reprint of the Social Security Act, 1938, incorporating the amendments up to date, was included.

Interesting new Acts provided for the status of New Zealand citizenship, the incorporation of the Tokelau or Union Islands as part of New Zealand, the nationalization of all unmined coal, the creation of a coal mining and marketing company, the adoption of the Havana agreement on tariffs and trade, and the establishment of

the Land Valuation Court, which exercises the jurisdiction of the Land Sales Court, the *ad hoc* Compensation Courts under the Public Works Act, 1928, and the Assessment Courts under the Valuation of Land Act, 1925, and also hears appeals against valuations of land for taxation purposes. The Acts relating to Crown lands, rent restriction, apprentices, aliens and trustee savings banks were consolidated with amendments, the wartime regulations as to economic stabilization were given legislative effect, the law as to the liability of carriers was amended, and extensive amendments were made in the law as to liquor licensing.

Two Acts, the Gaming Poll Act and the Licensing Amendment Act, provided for the submission of questions for decision by popular referendum in relation to off-course betting, and the hours for hotel bars and other licensing matters of a local nature.

Notes on the more important Acts are set out below.

Havana Agreement on Tariffs and Trade.—Act No. 1 provided for the application of the General Agreement on Tariffs and Trade and for matters incidental thereto.

Fertilizers.—The Fertilizers Amendment Act (No. 3) dealt with the purity and quality of fertilizers and the regulation of the manufacture and sale thereof, and gave power to make regulations prescribing standards of quality and regulating the manufacture and sale of fertilizers.

Scaffolding and Excavations.—Act No. 4 applied the Scaffolding and Excavation Act, 1922, to excavations made by Local Authorities, applied the scaffolding provisions to window-cleaners, and made the principal Act binding on the Crown.

Government Life Insurance Department.—Act No. 6 empowered the Department to make loans to its officers for the acquisition of dwellings and to acquire dwellings for letting to its officers.

Auckland Harbour Bridge.—Act No. 7 repealed the Auckland Harbour Bridge Empowering Act, 1931. The company that was authorized to construct a bridge over Auckland Harbour, being unable to proceed, had previously agreed to hand over its assets and data to the Government, which will consider undertaking the project as a public work.

Westport Coal Company.—The Government having purchased all the shares in this company except a small proportion held by persons who could not be traced, Act No. 9 vested the remaining shares in the Crown, subject to payment of £2 a share to the holders or their representatives, and also dissolved the company and transferred its assets and liabilities to the Crown.

Shipping and Seamen.—Act No. 10 made miscellaneous amendments, the most important being in s. 5, relating to the deportation of seamen who desert from overseas ships with a view to settling in New Zealand.

Civil Aviation.—Act No. 12 is a consolidation with amendments of the Air Navigation Act, 1931, and other provisions relating to civil aviation. It authorizes the making of regulations to give effect to the Chicago Convention and to regulate civil aviation, with special provisions as to powers in time of war or national emergency, as to nuisance, trespass, and responsibility for damage, as to the dangerous operation of aircraft, as to wreck and salvage and as to the investigation of accidents. Provision is also made for the appointment of a Director of Civil Aviation.

The New Zealand National Airways Amendment Act (No. 73) gave the New Zealand National Airways Corporation a virtual monopoly by providing that air services are to be carried on in New Zealand only by the Corporation or pursuant to a permit granted by the Minister for Air or pursuant to a contract with the Corporation.

Nationality and Citizenship.—The British Nationality and New Zealand Citizenship Act (No. 15) provides for British Nationality and New Zealand citizenship in accordance with the scheme formulated at the conference of experts from the various Commonwealth countries held in London in February 1947. The Act in form and substance follows almost exactly the British Nationality Act, 1948, of the

United Kingdom Parliament (11 & 12 Geo. VI, c. 56). It creates the status of New Zealand citizenship, to be acquired by birth, descent, registration (for British subjects) or naturalization (for aliens), and declares New Zealand citizens and the citizens of every other Commonwealth country to be British subjects. The transitional provisions, in s. 16 (1) (*c*) include as New Zealand citizens all British subjects who were ordinarily resident in New Zealand throughout 1948, the year preceding the commencement of the Act. This was necessary to avoid having to register the large numbers of New Zealanders who were born in the United Kingdom and other parts of the Commonwealth.

Harbours.—The Harbours Amendment Act (No. 18), besides making miscellaneous amendments, altered the constitution of all the important Harbour Boards by including members to be appointed by the Governor-General to represent the workers in the waterfront industry.

Gaming Poll.—Act No. 19 provided for the taking of a poll of the Parliamentary electors throughout New Zealand upon the proposal that provision be made for off-course betting on horse-races, through the totalizator by means to be provided by the New Zealand Racing Conference and the New Zealand Trotting Conference. The proposal was carried at the poll on March 9, 1949, and provision was made accordingly in the Gaming Amendment Act (No. 32 of 1949).

Justices of the Peace.—Act No. 20 made various amendments to the Justices of the Peace Act, 1927, and in particular removed certain anomalies in the procedure for the summary trial of indictable offences.

Trades Certification.—Act No. 21 established the New Zealand Trades Certification Board to examine and issue diplomas or certificates of proficiency to persons carrying on any approved trade.

Apprentices.—Act No. 22 consolidated the law as to apprentices with various amendments of a minor nature. The Act empowers the Court of Arbitration to make orders governing the terms and conditions of apprenticeships, and requires every contract of apprenticeship to be subject to the Act and the appropriate apprenticeship order and to be consented to by the local Apprenticeship Committee or by the District Commissioner of Apprenticeship.

Tokelau Islands.—Act No. 24 incorporated the Tokelau Islands (formerly known as the Union Islands) as part of New Zealand and provided for their government. The islands were annexed as a British colony in 1916, but since 1926 had been administered by the High Commissioner of Western Samoa, acting under delegation from the Governor-General of New Zealand, who was appointed Governor of the islands by His Majesty in Council. The Governments of the United Kingdom and New Zealand having agreed upon the transfer, arrangements were made for the United Kingdom and New Zealand Orders in Council relating to the islands to be revoked as from the commencement of the Act, on January 1 1949. The Act empowers the Governor-General of New Zealand to make laws for the peace, order and good government of the islands by regulations made by Order in Council. Subject to any such regulations the existing laws in force in the islands are continued in force. New Zealand statutes are not to apply in the islands unless expressly provided. The Minister of Island Territories has the administration of the Act. (By the Tokelau Islands Administration Regulations 1949 (Serial No. 1949/69), the High Commissioner of Western Samoa is appointed *ex officio* to be the Administrator of the Tokelau Islands.)

Aliens.—The Aliens Act (No. 28) is a consolidation of various statutes relating to aliens, and of the wartime Aliens Emergency Regulations 1940 and the amendments thereof. Part I repeats the provisions of s. 17 and 18 of the British Nationality and Status of Aliens Act, 1914 (U.K.), as to the capacity of aliens as to property and as to the trial of aliens. This Part applies also to British protected persons and Irish citizens. Part II provides for the registration of aliens and the deportation of undesirable aliens.

Dairy Board.—The Dairy-produce Amendment Act (No. 32) reconstitutes the New Zealand Dairy Board.

Electricity.—Act No. 34 amends the Electricity Act, 1945, by providing for the registration of " electricity agreements " made between supply authorities and consumers for rural reticulation, and for such agreements to run with the land so that any moneys owing thereunder are charged on the land.

Finance.—Of the two Finance Acts, the first (No. 35) contained five parts. Part I authorized the Government to issue stock to pay the amount of its liability to the Reserve Bank on account of the depreciation of the Bank's assets by the alteration of the rate of exchange which increased the value of the New Zealand pound to parity with sterling (s. 2). S. 3 completed the nationalization of the Bank of New Zealand by vesting in the Crown the remaining privately owned shares, being shares registered in registers kept outside New Zealand. The Act of 1945 provided for the compulsory acquisition of the shares registered in New Zealand and for the purchase of the others, and the bulk of them had been purchased. S. 4 authorized the Marine Department to operate cargo and passenger ships and to insure cargo. S. 5 once again validated the expenditure of public moneys on unauthorized purposes in excess of the statutory limit. S. 6 abolished the overseas-passenger duty. S. 7 represents an interesting attempt to bind future Parliaments. In 1947 the Main Highways Account was abolished, and the Minister of Finance gave an undertaking to the organizations representing motor-car owners that the amount to be appropriated in the annual estimates for the construction and maintenance of main highways in each future year would not be less than the revenues that would have been payable into the Main Highways Account if it had not been abolished. It being constitutionally impossible to provide that any particular amount would be appropriated by the House of Representatives, and Treasury objecting to a provision for the payment of the amount in question " without further appropriation " s. 7 provides if the amount appropriated in any year is less than the amount of the revenues in question, " the amount so appropriated shall be deemed to be increased by the amount of those net revenues." Part II abolished the export duty on uncoined gold and reduced the sales tax on omnibuses and tram-cars. S. 30 extended all time-limits for making claims and commencing proceedings arising out of a fire in Ballantyne's department store in Christchurch, as all proceedings had been held up pending the report of a royal commission.

The second Finance Act (No. 78) contained miscellaneous provisions relating to public revenues, land and income-tax, social security, war pensions, Government railways, the National Provident Fund, local bodies' loans, Local Authorities and miscellaneous matters. In view of the tornado that destroyed a part of the City of Hamilton, when the Government had to assist the sufferers, s. 4 provided for the Earthquake and War Damage Act, 1944, being extended by regulation so as to provide a compulsory insurance against damage by natural disaster as well as earthquake damage and war damage.

Tuberculosis.—Act No. 36 provided for the prevention and treatment of tuberculosis and the assistance of persons suffering from the disease.

Coal.—The Coal Act (No. 37) vested in the Crown all privately owned coal existing on or below the surface of any land in New Zealand. The total amount of the compensation to be paid to the owners of the coal was limited to a " global sum " being the average of the annual royalties received by the owners during the preceding seven years. A Coal Valuation Commission was set up to determine the global sum, and to apportion it amongst the owners who claimed compensation. By s. 42 all existing coal leases over privately owned coal were cancelled, but the holders were given a prior right to obtain corresponding coal-mining rights granted by the Crown under the Coal-mines Act, 1925. The Act also contained various amendments of the Coal-mines Act, including those rendered necessary by the extension of the Act to coal situated in privately owned land as well as Crown land.

Economic Stabilization.—Act No. 38 gave permanent legislative effect to the

stabilization policy contained in war regulations made under the Emergency Regulations Act, 1939. The Act charged the Minister of Industries and Commerce to do all things that he deems necessary or expedient for the general purpose of the Act (*i.e.* to promote the economic stability of New Zealand), and in particular for the stabilization, control and adjustment of prices of goods and services, rents, other costs and rates of wages, salaries and other incomes. More specific powers as to the control of prices and rents are given by the Control of Prices Act, 1947, and the Tenancy Act, 1948 (No. 76). The Act also provides for the appointment of a Director of Stabilization as an officer of the Public Service, and an Economic Stabilization Commission to be appointed by the Minister for the purpose of making recommendations to the Minister after inquiry and investigation and also of exercising administrative functions. S. 11 authorizes the making of stabilization regulations by Order in Council for the general purposes of the Act and for giving full effect to the Act and for the due administration thereof. The existing regulations of this nature in force under the Emergency Regulations Act, 1939, are by s. 12 continued in force as stabilization regulations as if they had been made under the Act, but the administrative provisions of the Economic Stabilization Emergency Regulations (1942/335), which are replaced by the Act, were revoked by s. 19.

Public Works.—The Public Works Amendment Act (No. 39) makes numerous amendments to the Public Works Act, 1928. Part I authorized the Crown and City and Borough Councils and Town Boards to construct and maintain access-ways (being short-cuts for pedestrians between streets) and service-lanes (being side or rear access for vehicles). The provisions are based on certain Local Acts, which are repealed by the general provisions of the Act. The miscellaneous provisions in Part II include s. 17, providing for the registration of a certificate against the land in cases where the Crown or a local authority has agreed to pay the owner compensation under the principal Act, notwithstanding that the land affected may not have been accurately surveyed; ss. 18 and 19, relating to hotel licences, etc., taken with the land to which they apply; ss. 22 to 33, relating to roads and streets; s. 34, authorizing licences and permits, etc., to be held by the Crown; and ss. 36 to 39, relating to the control of artificial lakes created by hydro-electric or other public works.

Social Security.—Besides the miscellaneous amendments to the Social Security Act, 1938, contained in Part III of the second Finance Act (No. 78), three Acts provided for reciprocity with other countries, namely—Nos. 44 and 45 with Great Britain and Northern Ireland as to family benefits, and No. 70 with Australia as to family benefits and also monetary benefits in respect of age, invalidity, sickness, widowhood and unemployment.

Transport Law.—Part I of the Transport Law Amendment Act (No. 47) amended the Transport Licensing Act, 1931. It enabled the provisions as to goods services by motor-vehicles to be applied by Order in Council to harbour-ferry services, with such modifications as may be thought fit. It also established a Transport Co-ordination Council, to have advisory functions as to all forms of public transport; a Transport Charges Committee, to take over from the Licensing Authorities the fixing of charges for all transport services; and a Transport Charges Appeal Authority, to hear appeals from the Charges Committee. S. 41 enabled regulations to be made fixing a limit to the liability for loss of or damage to goods carried by any transport service. S. 43 enabled the Director of Stabilization and the Director of Rehabilitation to appeal against decisions of Licensing Authorities. Part II amended the Motor-vehicles Act, 1924, in various unimportant respects.

Child Welfare.—Act No. 48 amended the Child Welfare Act, 1925, by incorporating the wartime regulations as to the care and disposition of immigrant children brought to New Zealand by the Government by arrangement with the parents or the International Refugee Organization. It also set up the Child Welfare Branch of the Education Department as a Division of the Department, and placed the

mmigration children under the care of the Superintendent, and in Part II extended the general powers of the Superintendent.

Land.—Act No. 49 made miscellaneous amendments to the Servicemen's Settlement and Land Sales Act, 1943.

Act No. 50 constituted a Court of record to be called the Land Valuation Court and also local Land Valuation Committees, which are similar in constitution to and have assumed the functions of the Land Sales Court and Land Sales Committees established under the Servicemen's Settlement and Land Sales Act, 1943. Besides replacing the Land Sales Court and Committees, the new Court and Committees are to determine all claims for compensation for land taken or injuriously affected under the Public Works Act, 1928. These claims were formerly heard by special Courts consisting of a Supreme Court Judge or a Magistrate with two assessors, one appointed by each party. The jurisdiction of the Assessment Courts under the Valuation of Land Act, 1925, is also transferred to the new Court, as well as the jurisdiction to hear appeals against valuations of land made for death duty, gift duty or stamp duty purposes. The Court consists of a Judge (who must have the same qualifications and is entitled to the same tenure of office, salary and pension as a Supreme Court Judge) and two other members appointed by the Government for terms of five years. The procedure is similar to that formerly laid down in the Servicemen's Settlement and Land Sales Act, 1943. Applications are normally heard by the local committee, and the committee's decision becomes an order of the Court unless it is appealed against within the prescribed period.

Act No. 63, the Valuers' Act, provided for the registration of land valuers, and the constitution of the New Zealand Institute of Valuers.

The Land Act (No. 64) consolidated the numerous statutes dealing with Crown lands. It replaced in 185 sections the provisions of the Land Act, 1924, of 390 sections and over seventy other enactments. It deals with general administration by the Department of Lands and Survey, with surveys, the purchase and development of land by the Crown, the classification and alienation of Crown land, with special provisions for the settlement of discharged servicemen. Provisions as to the tenures on which land may be acquired are contained in Part V, and the rights of lessees and licensees to acquire the fee simple are set out in Part VII. S. 175 limits the area of land that may be acquired under the Act so as to prevent "undue aggregation." This replaces the provisions such as those contained in Part XIII of the Land Act, 1924, which prescribed specific areas of each class of land that could be held by any person.

Armed Forces Canteens.—Act No. 51 constituted the Armed Forces Canteen Council as a body corporate with power to set up and conduct canteens, cinematograph and other theatres, hairdressing saloons, shops and other amenities in service establishments or to authorize other persons to do so. S. 11 exempted the Council from compliance with the liquor laws.

Marketing.—The Apple and Pear Marketing Act (No. 53) established the New Zealand Apple and Pear Marketing Board as a body corporate. Part II provided that, subject to exceptions provided by the Act or by regulations, all apples and pears grown in New Zealand are to be purchased by the Board at the prices fixed in accordance with the Act. Part III sets up the Apple and Pear Industry Account and contains the financial provisions. Under s. 23 any profit made by the Board in any year is retained as a reserve fund, which may be used to keep up the prices paid to growers in years when a loss is made.

The Marketing Amendment Act (No. 54) abolished the separate divisions of the Marketing Department (the Export Division, the Internal Marketing Division and the Milk Division), and made other amendments to the Marketing Act, 1936.

Act No. 55 amended the Dairy Products Marketing Commission Act, 1947, and in particular extended the Commission's functions to cover dairy-produce other than butter or cheese.

State Forests.—The Forests Amendment Act (No. 56) provided by s. 2 for the

reservation of sanctuaries for the preservation of indigenous flora and fauna. This enabled a large area of forest to be declared a sanctuary for the *notornis*, a bird recently rediscovered after it was thought to be extinct.

Hospitals.—Act No. 58 amended the Hospitals and Charitable Institutions Act, 1926, and shortened its Short Title to "The Hospitals Act, 1926." S. 6 made the appointment of officers by Hospital Boards subject to the prior approval of the Minister of Health.

Municipal Corporations.—Act No. 60 made numerous amendments to the powers of City and Borough Councils. Part I extended the powers to provide houses and to finance persons who wished to provide their own houses.

Trustee Savings Banks.—Act No. 62 consolidated the law as to Trustee Savings Banks, with amendments. The banks were incorporated, so that their property no longer needs to be vested in trustees on their behalf; their procedure is prescribed and their powers extended; and the repayment of their deposits is given a Government guarantee by s. 30.

Carriers.—The Carriers Act (No. 66) consolidated and amended the law relating to the liability of carriers, which was formerly contained partly in the Carriers Act, 1830 (U.K.), and partly in Part III of the Mercantile Law Act, 1908. The Act applies to common carriers of passengers and goods by land, water or air within New Zealand. S. 3 prevents a carrier from avoiding or limiting, whether by conditions on tickets or any other form of contract, his ordinary liability for negligence causing death or personal injury to passengers. Clauses 4 and 5 make similar provision in respect of damage to goods, subject to the right to make special contracts or conditions in writing. S. 6 limits the liability for damage to goods in cases where the value is not declared and increased charges are not paid. S. 8 preserves the operation of special enactments dealing with the obligations and liabilities of particular classes of common carriers, such as the Government Railways, the National Airways and shipping companies. By s. 9 the Act is made to bind the Crown.

Electoral.—The Electoral Amendment Act (No. 71) provided for the registration of Maori electors and the preparation of electoral rolls for the four Maori electoral districts in the same way as for the European Districts. A half-caste was given the right to choose whether he would register as a Maori or a European, but can only change from one roll to another at a general election. Maoris who are registered are to vote in the same way as European electors, but in the meantime Maoris who do not register may still vote under the old procedure of handing out voting-papers on satisfactory answers being made to certain questions put to the voters by the Returning Officers.

Licensing.—Act No. 74 made numerous important amendments to the Licensing Act, 1908, as a result of a report of a royal commission. As a result this legislation, which was described by the Privy Council many years ago as a "legislative jungle," has become even more complex. Part I established a Licensing Control Commission to supervise the Local Licensing Committees, prescribe standards for licensed premises, review the distribution of licences and determine the number to be granted in each district and the number to be cancelled (subject to compensation) as unnecessary, and to grant club charters. The Commission was given power to correct the anomalies caused by a surplus of hotels in towns that have declined in population (particularly in mining districts) and the shortage in new centres of population, and, although the total number of licences is still limited, s. 27 (2) enables the limit to be increased as the population grows. S. 66 provides for new kinds of licences, for tourist houses and works canteens. Part VI provided for special polls of the electors throughout New Zealand as to the closing-hours of hotel-bars (when six o'clock closing was confirmed), and local polls in certain no-licence areas. S. 89 relating to the King Country provided for separate polls of European and Maori electors, as certain Maoris alleged that there was a contractual obligation on the Government to keep that area as a no-licence district for all time.

Ss. 107 and 108 provided for allowing the consumption of liquor after hours at social gatherings, subject to the prescribed conditions.

Tenancy.—The Tenancy Act (No. 76) consolidated with amendments the law relating to rent restriction, formerly contained partly in the Fair Rents Act, 1936, and partly in war regulations. Part II (as to rent restriction) applies to all leased properties (whether dwellings or not) except agricultural properties leased for more than two years and so subject to Part III of the Servicemen's Settlement and Land Sales Act, 1943. This Part prohibits any increase above the basic rent (the rent as at September 1, 1942), or above the fair rent if a fair rent is fixed for the property in accordance with the Act. Part III (which relates to dwellings and to urban properties) restricts the right of a landlord to recover possession from a tenant. The grounds on which possession may be recovered are somewhat complex. They are rather more favourable to the landlord than the previous law, and further exemptions are provided in s. 48. Part IV repeats the provisions of Part II of the Fair Rents Amendment Act, 1947, as to the compulsory letting of unoccupied houses, of which provisions very little, if any, use has been made. Miscellaneous provisions in Part V protect subtenants and the families of deceased tenants, and lay down conditions for tenancies.

Statutes Amendment.—Act No. 77 amended thirty-four different Acts. This Bill is difficult to handle in the drafting and printing stages if it grows too big, as the insertion or deletion of any amendment may have a big effect on the numbering in view of the alphabetical arrangement. Efforts were therefore made to have as many as possible separate amending Acts at the beginning of the session, and to exclude amendments involving more than three sections. S. 2 provides for the distribution on intestacy of certain moveable property in New Zealand as if certain New Zealand married women had retained a New Zealand domicile distinct from that of their husbands. S. 4 made the Contributory Negligence Act, 1947, bind the Crown. S. 8 conferred jurisdiction on the New Zealand Courts in respect of offences committed in aircraft outside New Zealand, as in the case of offences committed in ships. S. 38 protects the emblem, seal and name of the United Nations from unauthorized use.

Superannuation.—Act No. 79 amended the Superannuation Act, 1947, so as to correct various minor anomalies found in the working of the consolidated Act.

Government Service Tribunal.—The Government Service Tribunal Act (No. 80) established a Tribunal to prescribe scales of salaries and conditions of service for officers of the Government service. The Act applied primarily to the " Public Service " (that is, the portion of the service under the control of the Public Service Commission), but power is given by s. 26 to extend the Act by regulations to other branches of the Government service. The Tribunal consists of a Chairman (who is a Judge or Deputy Judge of the Court of Arbitration), a Government member and a member appointed by the service organizations. Principal orders are to remain in force for at least a year before they are altered.

War Regulations.—Acts Nos. 81 and 82 continued the supply regulations and emergency regulations in force for a further year, and in each case revoked some of the regulations and showed in a schedule the remainder that are continued in force.

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* W. G. Bryce, Esq., *Crown Counsel.*]

1947.

Thirty-three Ordinances were enacted during the year. Details of the more important are summarized below.

Co-operative Societies.—No. 11 follows the usual principles of co-operative

legislation and is restricted to societies established for the purpose of promotin the economic interests of their members in accordance with co-operative principle Contracts restricting the disposal of produce through the Society are declared to b lawful, and it is an offence for any person having notice of such a contract to abe the breaking of it.

Labour.—No. 23 amended and consolidated the law contained in ninetee Ordinances, the first of which, in order of time, was that relating to apprentice which became law in 1887. In this Ordinance penal sanctions for the breach of contract by a worker disappear and the parties are left to their civil remedy Written contracts of employment with natives are subject to provisions designe to ensure that they operate fairly between the parties. The Governor in Council given wide powers to make provisions relating to minimum wages, employment c women and children, hours of work, rest periods, overtime, holidays with pay an similar matters.

Local Government.—No. 26, which provides for the re-establishment of a Tow Council in Suva, can be applied to other towns in the future, as required. Th majority of the members of the Council are to be elected by the European an Indian electors on a communal basis, whilst other members will be nominated t permit of the representation of minority groups or interests.

Immigration.—No. 33 replaced the Immigrants Ordinance of 1909 (c. 57 The Ordinance gives the immigration authorities, under the direction of th Governor in Council, wide powers of controlling the entry into the Colony of person intending to settle permanently, and entry permits for such persons are issued a the discretion of the Principal Immigration Officer. Persons visiting the Colon for less than four months do not require a permit to enter but may be required t furnish security. Persons who satisfy the immigration authorities that they ar British subjects born, domiciled or resident in the Colony, are exempt from an restrictions.

Protected Industries.—No. 2 empowers the Governor in Council to declare a industry, which requires protection from uneconomic competition for its develop ment, to be a protected industry, and the industry can then only be carried o under a licence issued by the Governor in Council.

Sugar.—No. 12 authorized the imposition of an export tax on sugar not exceed ing 10*s.* a ton.

1948.

THIRTY-EIGHT Ordinances were enacted during the year. Details of the mor important are summarized below.

Nurses and Midwives.—No. 13 makes provision for a system of registration c nurses and midwives. A board is established which has the duty of supervisin and regulating the practice of their profession by nurses and midwives. Th Board prescribes and regulates courses of training and examinations and effect registration. It may also for certain offences remove names from the registe Except in declared areas unregistered midwives and nurses may still practise, bu they will be subject to supervision and control by the Board. In declared areas will be an offence to practise if unregistered.

Motor Vehicles.—No. 19 makes provision for compulsory insurance agains third party risks arising out of the use of motor vehicles on the roads in the Colony In the main the Ordinance follows legislation in the United Kingdom. Certai changes have been made of which the following are the more important. Provisio has been made excluding the necessity to insure against injury to relatives. Th follows the New Zealand law. Power has been given to the Governor in Counc to prescribe premia. Where this has been done a person who has been refuse insurance by a company authorized under the Ordinance may appeal to a Magi trate's Court which may require the company to insure him either at the normal c

an increased premium. Provision has been made to enable a Court to stay proceedings if an injured claimant refuses to submit to medical examination by a doctor nominated by the insured person. The practice known as "ambulance chasing" is made an offence.

Assurance Companies.—No. 33 provides for the control of certain assurance and insurance business. Only authorized insurers may carry on this business. The Ordinance enables companies incorporated outside the Colony and members of Lloyds and similar associations to be authorized so long as the Governor in Council is satisfied that the law of their home country is adequate and being complied with. In the cases of companies not covered by this provision, they may be authorized as insurers subject to special conditions decided in respect of each case. Special provision is made for existing companies. Trade Unions and Friendly Societies are excluded from the scope of the Ordinance.

Copra.—No. 34 sets up a Board whose primary function is to buy and sell copra and to control the export of copra and copra products. The Board is the sole buyer of copra in the Colony save for persons licensed by it, and must buy all merchantable copra offered to it. The price to be paid by the Board must be as near as possible equivalent to the price obtained by the Board in its sales. Provision is made to enable the Board to recover losses. The composition of the Board is such as to ensure a majority of copra producers thereon.

2. SOLOMON ISLANDS.
3. TONGA.

[*It is hoped that the reviews will be published in the next issue.*]

4. NEW HEBRIDES.

[*Contributed by* B. Blackwell, Esq., *Acting Resident Commissioner.*]

1947.

Of the three regulations issued during the year one deserves mention.

Pensions.—No. 4 provides for the grant of Retiring Gratuities to officers of the Condominium Service and their Dependants.

1948.

[*Contributed by* The Resident Commissioner.]

Infantile Paralysis.—The object of No. 1 is to prevent the entry of infantile paralysis into the New Hebrides. It is amended by Nos. 2 and 3 and the three are consolidated in No. 4.

Defence.—No. 5 repeals all unnecessary Defence Legislation.

Mumps.—The object of No. 6 is to prevent the spread of mumps. No. 7 raises the quarantine restrictions referring to mumps.

Trocas Shell.—No. 8 cancels the application of the New Hebrides Trocas Shell Joint Regulation No. 7 of 1940 whereby a licence was necessary for shell fishing.

Condominium Officials and Employees.—No. 9 provides free medical treatment for Condominium officials either permanent or temporary.

Subsistence and Travelling Allowance.—No. 10 provides allowances for Assistant Medical Practitioner.

Natives.—By amending the provisions of the Natives Prohibition Joint Regulation No. 6 of 1909, No. 11 permits natives in Vila to be at large up to 11 p.m. instead of 9 p.m.

Aircraft Control.—Provisional control of aircraft entering and leaving the New Hebrides or operating in the New Hebrides, and of persons and goods carried by air, is made by No. 12.

Postal Tariff.—No. 15 amends the New Hebrides Condominium "Foreign" Postal Tariff.

Port Dues.—No. 16 increases the scale of Port Dues and abolishes fees for Bills of Health under the New Hebrides Port Dues Joint Regulation No. 1 of 1940.

Telegraphic Addresses.—No. 17 provides for the registration, taxation and mode of use of registered telegraphic addresses.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*It is hoped to publish the review in the next issue.*]

2. CAPE PROVINCE.

[*Contributed by* A. J. Pienaar, Esq., B.A., LL.B., K.C.]

The Sessions of 1948 produced 35 Ordinances. Of these five were the usual appropriation and finance measures, one has not yet been promulgated, one extended the boundaries of a municipality, four were original legislation, and the remainder consisted of the annual patchwork amending existing Ordinances. The laws dealing with local government, such as the Municipal Ordinance of 1912, the Divisional Councils Ordinance of 1913, and the subsidiary bodies like Village Management Boards and Local Boards. Each received attention in the form of two amending Ordinances. The Education Ordinance of 1921 also had its annual crop of amendments. These are not of sufficient general interest to merit detailed comment. The four original Ordinances, however, deserve a brief review.

Hospital Personnel.—The object of No. 12 is to provide for the establishment and control of schools for training hospital nurses, midwives and other hospital personnel. Under s. 2 the Administrator shall establish and maintain colleges for the above purpose, and he may erect or acquire buildings and property to that end. S. 3 provides that there shall be associated with each college training institutions under the control of the Administrator or hospital boards or privately owned. The training institutions shall provide the students of a college with which they are associated with practical training and experience. The Administrator shall institute courses of training and qualifying examinations for students and make provision for their training and certification. Student nurses and student midwives of associated institutions shall become students of the colleges. The Administrator is to provide for the staffing of the colleges, and it is contemplated that he will obtain their personnel from existing hospitals, and provision is made for their retirement privileges, if and when they transfer to a college. Advisory Committees are to be established for each college. The whole scheme is designed to remedy the shortage of trained personnel, which makes free hospitalization and a provincial health service impracticable to-day.

Wild Birds' Sanctuaries.—Under power possessed by Local Authorities to establish game parks, the Divisional Council of Cape Town is probably the only Council which has availed itself of this power and has established the Cape Point Reserve. Since then it has tried to establish areas, purely for the protection and preservation of bird life. Some of the vleis (lagoons) in its area lend themselves to this purpose but there has been no legislative sanction for this. This Ordinance seems to remedy this defect. No. 17 gives power to any Local Authority to establish within its area a bird sanctuary, and for that purpose it may buy or expropriate land or set aside its own land and raise loans for financing the undertaking. It may appoint advisory boards, whose members shall act in a purely voluntary capacity. It will have power within the sanctuary to construct roads, bridges, buildings etc., and it may buy, exchange and sell birds. Entrance will be open to the public subject to the control of the Local Authority. Two or more adjoining Local Authorities may combine to establish and maintain a sanctuary. As in the cas

of the game reserves, the public may not introduce dogs, or cats, or weapons which may be used against birds, or boats, and may not destroy flowers or any kind of vegetation.

Native Territories and Roads.—The construction, maintenance and control of roads in the rural areas come under Divisional Councils. In the Native Territories (Transkei) there are no Divisional Councils, and hitherto the public roads have been dealt with either by special bodies like the Transkeian Territories Roads Board, the Natives' Council (Bunga) or the Provincial Administration. The difficulty, of course, has always been finance—roads of great length with very few local land owners able to pay the rates to maintain roads used by travellers from the rest of the Union. Under No. 22 the present system is being maintained, but the Provincial Government will be given the powers and assume the responsibility of Divisional Councils in respect of certain roads specified in a schedule to the Ordinance.

Pensions.—No. 33 is one of the most important enactments of the Session. In the past hospital boards and school boards in respect of their staffs were entirely independent entities. In recent years provision was made for the transfer of staff from one board to another with the retention of loan and pension privileges. Subsequently the secretarial and administrative staffs of school boards, and also of hospital boards were formed into two combined services, so that promotions and appointments could be made from the staff of one board to another. The present Ordinance implements this process of unification by providing for a joint Pension Fund, which absorbs all the assets and liabilities of the previous separate funds, and provides for annuities and other retiring benefits for all officials irrespective of which board they are employed under. Uniform conditions will apply to all officials—just as, *e.g.* in the Civil Service. One great advantage of this Ordinance is that it removes from the Statute book two whole Ordinances, viz. the Consolidated School and Hospital Boards Officials' Pensions Ordinance, No. 10, of 1931, and the ditto (Amendment) Ordinance, 1934, and sections of four other later amending Ordinances. It will now be possible to find the Ordinance in one Enactment.

3. NATAL.

1947.

THE larger part of the legislation of the year deals with the finances of the Province and the local authorities.

Hospitals.—An amendment of the Provincial Hospitals Ordinance 1938 by No. 28 allows any officer or employee of a hospital or any member of the visiting medical staff to have free treatment provided that he does not engage the services of a private medical practitioner. In any special case the Administrator may authorize admission to a private ward, and in that event the patient may engage at his cost the services of a private medical practitioner.

Boarding-houses.—The object of No. 31 is to provide for the regulation, restriction or prohibition and supervision of persons carrying on business as boarding- or lodging-house keepers in rural areas.

Pounds.—The whole law relating to the establishment of pounds and the impounding of animals found trespassing on land and their disposal is consolidated in No. 32.

National Parks.—Ordinance No. 35 is a comprehensive measure to provide for the establishment of national parks, game reserves and nature reserves and the preservation of wild animal life, wild vegetation and objects of geological, ethnological, historical or other scientific interests. It also amends the law relating to game, fish and other fauna and flora.

Cemeteries.—The object of No. 38 is to provide for the establishment, management and maintenance of cemeteries. It deals with the conditions under which the

Administrator may authorize local authorities to take over private cemeteries and also sets forth the arrangements to be made in urban and rural areas.

4. ORANGE FREE STATE.

[*Contributed by* F. W. A. Gray, Esq., B.A., LL.B.]

Nine Ordinances were passed by the Orange Free State Provincial Council during the year 1948. Two were Appropriation Ordinances and six, amending Ordinances. The amendments are of no general interest, relating as they do, mainly to matters of administration of the principal Ordinances. The remaining Ordinance, the Local Government Consolidation Ordinance, 1948, is a new Ordinance dealing with Local Government. Certain features of it will be referred to below.

Local Government.—No. 6 is a much welcomed piece of legislation, consolidating, as it does all the provincial legislation passed on the subject of Local Government for the previous thirteen years and incidentally repealing almost entirely the original Ordinance No. 15 of 1935, the Local Government Consolidation Ordinance, 1935, and fourteen Ordinances amending it, passed in as many years. The 1948 Ordinance contains no fewer than 258 sections and is divided into eighteen chapters, dealing respectively with Constitution of Municipalities, Councillors, Voters, Making of Voters' Roll, Election of Councillors, Mayor and Officers, Municipal Property, Proceedings of Council, Municipal Valuations, Revenue and Rates, Loans and Trust Funds, Powers and Duties of Council, Establishment of Waterworks, Regulations, Establishment of New Municipalities, First Election of Councillors and Village Management, the last chapter being General.

The Ordinance declares every area governed at the commencement of the Ordinance by a duly constituted Municipal Council to be a municipality within the meaning of the Ordinance, and provides for the government of a municipality by a municipal council composed of not less than five councillors, of whom one shall be the mayor in accordance with the provisions of the Ordinance. Annual allowances based on the income of a municipality are payable to Mayor and Councillors: in the case of the Mayor the annual allowance ranges from £1,250 where the municipal revenue exceeds £500,000 down to £100 where the revenue is not more than £10,000: in the case of Councillors, the maximum allowance, travelling and subsistence allowances excluded, is 25 per cent. of the yearly allowance paid to the mayor in terms of the Ordinance: the allowances, however, are not deemed to be salary, and the receipt of any such allowance does not constitute the holding of an office of profit so as to disqualify the recipient from nomination, or election, as a councillor. Rates may be levied on the valuation of land only, or partly on the valuation of land and partly on the valuation of the buildings thereon, the method of levy being determinable by vote of the majority of the registered owners of rateable property within the municipality.

For the purposes of any audit as provided for by the Ordinance, the Ordinance lays down that the auditor may hear and receive evidence and examine witnesses upon oath (which oath the auditor is empowered to administer), and by summons under his hand require such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and documents including the minutes of the proceedings of the Council or of any Committee of the Council, as may be necessary for such audit: failure, without lawful excuse, to attend in obedience to such summons, or refusal to be examined on oath or to answer questions, is punishable by a fine not exceeding £10 or seven days' imprisonment with, or without, hard labour, a conviction under the relative section not exempting the person convicted from liability to do the act, etc., required to be done by him, or from being successively convicted and punished for every distinct commission of the same act or offence. As every Council is a juristic person, the Ordinance providing that every Council shall be a body corporate with perpetual succession and *inter alia*, shall be capable of doing all such

acts as are necessary for, or incidental to, the performance of its functions, it would seem that the mayor and Councillors of a municipality could be prosecuted for a commission of any of the criminal acts above mentioned, *e.g.* if the Council should, by resolution, refuse to accede to the auditor's request for production of any of its minutes of proceedings.

The Ordinance gives the Council power to expropriate, for general purposes, with the consent of the Administrator of the Orange Free State Crown land as well as private land, provided that in the case of the expropriation of Crown land the Administrator shall, before exercising his right of consent, submit each case to the responsible Minister of State for his information and for an expression of his views. The Ordinance is silent, however, as to what is to happen in the event of a deadlock between the Minister and the Administrator. One can hardly imagine the Provincial Administrator successfully asserting his purpose as against the Central, *i.e.* the Union Government. The relative section seems, nevertheless, on a plain reading to give him that power. A Council is also given the power to expropriate water-courses for general municipal purposes.

The Ordinance empowers the Administrator, if he is satisfied that a Municipal Council or Board of Village Management is not in a position to pay its debts and has reason to believe that a creditor may take action with a view to the attachment of any property belonging to the Council or Board concerned, to appoint for such time and on such conditions as he may think desirable, a person, called a " Personal Representative," to investigate the financial position and to control the revenue and expenditure of such Council or Board. The Ordinance gives such Personal Representative the power, if he is satisfied that debts cannot be paid out of current revenue, to levy on all rateable property within the area of such Municipality or Board, a special rate payable for such period and at such times as he may consider necessary.

The Ordinance provides for the establishment of new municipalities by the Administrator on the presentation to him of a petition signed by not less than twenty-five registered owners resident within the limits of the proposed Municipality. The petition must state the grounds on which the establishment of a Municipality is desired as well as the proposed boundaries thereof and the number of Councillors to be elected for the Council thereof. The Administrator may also exercise his power to establish a Municipality without the presentation of a petition after due advertisement in the *Gazette*, and if no sufficient cause shall have been shown to him during one month after the date of the last publication why such power shall not be exercised. The Ordinance further provides that notwithstanding that no counter-petition has been presented to him, the Administrator may refuse to grant a petition for the establishment of a municipality.

The remaining sections of the Ordinance contain provisions which are almost invariably found in all legislation of its kind.

5. TRANSVAAL.

[*Contributed by* L. Botha, Esq., *Clerk-Assistant of the Provincial Council.*]

Although the Provincial Council of Transvaal passed 27 Ordinances during its 1948 Session, the measures are mainly of a domestic nature and call for no special comment, except in so far as the following measures are concerned:

Townships and Town-Planning.—The amendments effected by No. 8 are chiefly designed to improve the existing facilities for town-planning in the Province: provision being made for reducing the expenses incurred by local authorities in preparing town-planning schemes.

Local Authorities' By-Laws and Regulations.—An apparently innocent-looking trial in an inferior Court exposed a grave shortcoming in the Provincial legislation on Local Authorities. It transpired that when a Local Authority was raised in

status, no provision in law existed for keeping alive the by-laws and regulations in force in the Local Authority area before the elevation. No. 19 had, therefore, to be passed by the Provincial Council at very short notice in order to avoid a break-down of local government machinery.

Public Hospital Services.—The Public Hospitals Ordinance, 1946, enacted to provide *inter alia* for the free hospital treatment of all citizens of the Transvaal, did not meet with the unqualified approval of the medical profession. In fact, they threatened to withdraw all support from Provincial hospitals. In the end an agreement was arrived at to the effect that whilst no charge should be raised for the actual accommodation of patients in public hospitals, preference would be given to indigent patients, and that patients who could afford to pay for their treatment, both medical and hospital, should, where alternative accommodation is available, be referred to private hospitals and nursing-homes. It was further agreed that this arrangement should be effective for a period of three years, and with this object in view certain provisions of the 1946 Ordinance were suspended for that period by No. 25.

6. NORTHERN RHODESIA.

[*Contributed by* M. W. Dennison, Esq., M.C., *Crown Counsel.*]

Fifty-Three Ordinances were enacted during the year.

Constitutional Changes.—During the year the constitution of the Legislative Council has been further amended by the Legislative Council (Amendment) Order in Council. The constitution of the Council under this Order in Council will be a Speaker, nine Official Members and fourteen Unofficial Members. The Official Members will consist of six *ex-officio* Members and three Nominated Members. The Unofficial Members will consist of two Nominated Members to represent African interests, ten elected Members and two African Members, who will be appointed by the Governor and selected for appointment by the African Representative Council.

Maize Subsidy.—No. 3, as amended by No. 21, introduces a novel method of contributions by employers to the general maize subsidy. All employers of African labour are obliged to contribute quarterly to revenue a prescribed sum in respect of each African employee. The sum at present prescribed by regulation is 4*s*.

Co-operative Societies.—No. 4, as amended by No. 35, replaces the Co-operative Societies Ordinance of 1914. Provision is made for appointment of a registrar registration and administration, with extensive rule-making powers for the Governor in Council.

Bush Fires and Trespass.—No. 8 re-enacts many of the provisions of the former Ordinance. The main additional provisions are; (*a*) before burning, an owner or occupier must give notice to other owners or occupiers likely to be affected (*b*) the owner or occupier can compel an adjoining owner or occupier to construct half a firebreak on the common boundary: (*c*) the creation of the offences of (1) trespass on enclosed land: and (2) honey-taking and bee-taking on another's land, whether enclosed or not.

Diplomatic Privileges.—No. 14 makes provision for diplomatic privileges and amenities for U.N.O., and for certain international organizations and their staffs.

Wages and Employment.—No. 23, the Minimum Wages and Conditions of Employment Ordinance, provides machinery for determining minimum wages and conditions of employment.

Migrant Workers.—No. 30 is designed to implement an inter-territorial agreement made with Southern Rhodesia and Nyasaland for the regulation of immigrant African workers. Provision is made to extend the operation of this legislation to other African territories.

Urban African Housing.—No. 32 provides that every person who employs a

African under contract of service within any urban area shall provide, at his own expense, accommodation either in licensed private premises or in an African suburb. Every Local Authority is obliged to establish one or more African suburbs for the accommodation of Africans employed within its area.

Water Ordinance.—Use of water in the Territory has hitherto been controlled by the Common Law of England and certain mining and railways legislation. No. 34 vests the ownership of all the water in the Crown, and controls the use, diversion and apportionment of water supplies, with safeguards for existing rights.

Hire Purchase.—No. 40 is based on the Southern Rhodesia Hire Purchase Act, 1945. The provisions of the Ordinance are designed to prevent abuse, and to prevent the hirer from exploitation, while, at the same time, leaving the honest hire purchase trader as free as possible from restriction.

Architects and Quantity Surveyors.—No. 42 establishes a Board of Registration of Architects and Quantity Surveyors which will maintain a register of persons qualified to practise as such and which will supervise professional standards and conduct in the Territory.

Football Pools.—During 1948 there has been considerable doubt as to the legal position in southern Africa with regard to the promotion of football pools. By No. 51 this Territory has made illegal participation in the organization, management or conduct of a pool. A " pool " means any competitive organization for the gain of the promoter in which for a monetary or other material reward the public are invited to foretell the result of any race, game or event.

7. SOUTHERN RHODESIA.

[*Contributed by* E. W. G. Jarvis, Esq., *Solicitor-General.*]

Fifty-three Acts were passed by Parliament during 1948.

Legal Assistance.—An indigent accused person has hitherto been entitled to representation by counsel at the expense of the State only at trial on a capital charge (treason, murder, rape). No. 46 provides that he shall be entitled to have an advocate or attorney assigned to him both at trial and at a preparatory examintion if it appears desirable in the interests of justice that he should have legal assistance. In the case of an accused person who is a juvenile (*i.e.* a person under the age of nineteen years) and whose parent or guardian is unable or unwilling to provide him with legal assistance, the officer whose duty it is to certify whether or not such assistance should be given is enjoined to exercise his power " with the greatest care, diligence and sympathy."

Factories.—No. 20 provides for the registration and control of factories, the regulation of conditions of work in factories, supervision of the use of machinery and precautions against accident to persons employed on structural work.

Native Status Determination.—In practice it is sometimes a matter of some difficulty to determine whether a particular person is or is not a native. The question is important in the Colony because under certain laws a distinction is made between Europeans, coloured persons and natives. Under the Land Apportionment Act, for example, land is divided into different areas, and no native may own or occupy land in the European area and no European may own or occupy land in the native area. No. 25 establishes a board to which application may be made for its decision of the question whether a person is or is not a native. The board is empowered to hear evidence to enable it to reach its decision. This decision is subject to appeal to the High Court. The board must issue a certificate embodying its decision or that of the High Court on appeal, and such certificate is conclusive evidence in any court on the question whether the person named is or is not a native.

Immigration.—The end of World War II brought a large influx of new settlers

into the Colony. The general world shortage of building materials, food and certain other articles was being felt in the Colony and this somewhat sudden increase in immigration aggravated the situation. The Government found it necessary in the interests of would-be settlers to restrict entry. Accordingly No. 27 provides that whenever the Governor has grounds for believing that there is or is likely to be a shortage of housing, food or any essential article and that the entry of persons into the Colony unless restricted is likely to result in undue hardship or privation to such persons, he may by regulation control, restrict or prohibit entry into the Colony. The Act is due to expire on December 31, 1950.

Turkish Tobacco.—No. 28 regulates the sale and export of Turkish tobacco and repeals the Turkish Tobacco Act, 1946.

Ministers' Salaries and Pensions.—No. 29 fixes the salary of the Prime Minister at £3,000 per annum and that of every other Minister at £2,500 per annum. The Act also provides for the payment of a pension to any person who has held office as a Minister for a period of nine years or more, whether broken or continuous, and to the widow of any such person.

A Printer's Error.—No. 35 was necessitated by a printer's error, and is mentioned only because it serves to show how very costly and time-wasting such an error may prove. The long title states that it is an Act to declare which of two copies of a certain Act of 1946 is a correct copy of the said Act as passed by the Legislative Assembly. It is followed by six paragraphs of preamble and two sections. According to the preamble assent to the Act was signified by sealing and signing a copy which was enrolled in terms of the Constitution and published. This copy was found to contain a printer's error and consequently was not in truth a correct copy of the Act as passed by Parliament. Thereafter a true copy was sealed and signed and enrolled. Whereupon it was considered " expedient and necessary to remove any doubt as to which of the copies of the said Act is the true copy thereof."

Public Service and Uniformed Forces Pensions.—No. 39 and No. 45 make provision in similar terms and on similar principles for increased pension benefits for public servants and members of the uniformed forces of the Colony respectively. The pension funds previously established for the payment of pensions are abolished, and the liability is now made a charge against the Consolidated Revenue Fund of the Colony.

Trade Agreements.—No. 46 empowers the Governor to enter into trade agreements with the Union of South Africa (which for the purposes of the Act includes the Territory of South-West Africa). Any such agreement is subject to the approval of Parliament.

Workmen's Compensation.—By No. 47 a large number of amendments was made to the legislation governing workmen's compensation. A new principle is introduced relating to the insurance of employers against their potential liability under the Act. This represents a compromise between " private enterprise " (*i.e.* insurance with recognized insurance companies) and state insurance. Briefly, the Minister issues a policy of insurance to the employer through an authorized agent, that is to say, an insurance company, and an Insurance Fund is established into which all premiums are paid out of which are paid all claims and commission fees to agents.

Native Development Fund.—No. 48 provides for the establishment and control of a fund to be used for the purpose of promoting the marketing and production of native livestock and produce. The Act provides for the imposition of levies on native livestock and produce and for the control of the marketing and purchase of native livestock and produce. One rather novel feature of the Act is that the trustee of the fund is the Minister of Native Affairs.

Exchange Control.—No. 53 deals with Exchange Control and is based on the legislation of the United Kingdom.

VII. EASTERN COUNTRIES.

1. INDIA, CENTRAL LEGISLATURE.

[*Contributed by* SARDAR BHAGAT SINGH.]

LIKE the year 1947, the year under review was also one of intense legislative activity. As many as 62 Acts were passed by the Dominion Legislature and 38 Ordinances of a temporary duration were promulgated by the Governor-General. The most noticeable aims of all this legislation were the economic and industrial development of the country, the rehabilitation of the persons displaced from Pakistan, the regulation of certain professions, and the welfare of the workers in mines and factories. Much of the legislation was designed to solve the various problems directly or indirectly relatable to the partition of the country.

Acts Passed in 1948.

In the notes below, the principal Acts have been dealt with more or less in an alphabetical order:

Administration.—The Junagadh Administration (Property) Act 26 * provided for the vesting of certain property belonging to the State of Junagadh in the Administrator of that State appointed by the Central Government.

Army and Air Force.—Five legislative measures were enacted in relation to the defence of the country. The Indian Army and the Indian Air Force (Amendment) Act 17 made provision for the disposal and administration by Committees of Adjustment of the property of Indian Commissioned officers, dying or deserting. The Indian Army (Amendment) Act 43 * stabilized the relations between the forces of Acceding States and the Indian Land Forces, when acting together. The Territorial Army Act 56 provided for the constitution of a territorial army, repealing the old Indian Territorial Force Act of 1920, while the National Cadet Corps Act 31 made provision for the constitution of the National Cadet Corps.

Atomic Energy.—A question of great national and international importance was dealt with under the Atomic Energy Act 29 which provided *inter alia* for the development and control of atomic energy. The Central Government was empowered to produce, use and dispose of atomic energy and to carry out the necessary research, as also to secure a compulsory acquisition, under prescribed circumstances, of minerals and plants and certain other rights. Special provisions were made as to certain inventions and payment of compensations and disclosure of information was penalized.

Matrimonial Causes.—A short measure called the Indian Matrimonial Causes (War Marriages) Act 40 was passed to confer upon Courts temporary jurisdiction in certain matrimonial causes, relating to marriages solemnized during the war period.

Displaced Persons.—Rehabilitation of persons displaced from Pakistan, still one of the major problems of the country, justified enactment of three important measures:

(i) By the Rehabilitation Finance Administration Act 12, there was established a body corporate called the Rehabilitation Finance Administration for the purpose of giving financial assistance, on reasonable terms, to enable the displaced persons to settle in business or industry. A sum of 100 million rupees was provided by the Central Government for this purpose.

(ii) By the Displaced Persons (Institution of Suits) Act 47 *, certain special provisions were made, for the institution of suits by the displaced persons, for the validation of certain pending suits, and for the restoration of those dismissed in default.

(iii) Another important law enacted for the welfare of the displaced persons was the Resettlement of Displaced Persons (Land Acquisition) Act 60 * in order to secure, for the above purpose, speedy acquisition of land in the Chief Commissioners' Provinces of Delhi and Ajmer-Merwara.

Development.—Five of the Acts passed during the year are relatable to this subject.

Act 14 entitled the Damodar Valley Corporation Act, established a Corporation for the development of the Damodar Valley in the provinces of Bihar and West Bengal, and made comprehensive provisions for the regulation of its multi-purpose functions. These include the promotion and operation of schemes for irrigation, water-supply, electrical energy, flood-control, navigation, afforestation, etc. The Mines and Minerals (Regulation and Development) Act 53 provided for the regulation of mines and oil-fields and for the development of minerals, under central direction and control. Similarly, in order to rationalize the production and supply of electricity and to take measures conducive to the electrical development of the Provinces of India, the Legislature passed the Electricity (Supply) Act 54. The Act, *inter alia*, constitutes a Central Electricity Authority and Provincial Electricity Boards, and also deals with the questions of powers, duties, works and trading procedure of the Boards.

For the development of raw silk industry under central control and for the establishment of a Central Silk Board, the Central Silk Board Act 61 was passed, which in addition to making a provision for the constitution of the Board and grant of funds, imposed a cess on certain kinds of silk. The last enactment under this head was the Delhi and Ajmer-Merwara Land Development Act 66, which provided for the preparation and execution of land development schemes, the reclamation of waste land and the control of private forests and grass land in the two provinces mentioned in the title of the Act.

Fiscal Measures.—The Indian Tariff Act, 1934, underwent amendment by Act 67 of 1948. The annual Finance Act 20 had a noticeable feature, as, by amending the Income-tax Act, 1922, it granted substantial exemption from income-tax on account of donations for charitable purposes, including the relief of the poor, education, medical relief and the advancement of any other object of general utility provided the total sum so paid during the year was not less than Rs. 250.

There were also three Acts dealing with cesses. Out of them Acts 7 and 59 imposed a cess on certain cotton textiles manufactured in the Provinces of India, while Act 30 doubled the amount of cess on lac.

Goods (Transport).—The Railways (Transport of Goods) (Amendment) Act 13, after making some minor amendments, substituted new schedules for transport of certain kinds of goods.

Industries.—The Industrial Finance Corporation Act 15 established an Industrial Finance Corporation for the purpose of making medium- and long-term credits more readily available to industrial concerns in India, particularly in circumstances where normal banking accommodation was inappropriate or recourse to capital issue methods was impracticable. The authorized capital of the Corporation was fixed at 100 million rupees divided into 20,000 duly paid-up shares, guaranteed by the Central Government. The Act made special provision for the enforcement of claims by the Corporation.

The Indian Power Alcohol Act 22 provided for development of power-alcohol industry, while the Protective Duties Continuation Act 18 extended the date up to which the protective duties could have effect, and further amended the Sugar Industry (Protection) Act, 1932.

Essential Supplies.—By the Essential Supplies (Temporary Powers) (Amendment) Act 64 the provisions of the law were made more stringent in cases relating to cotton textiles and foodstuffs, in order to control more effectively black-market activities in these essential supplies.

Professions.—To regulate the professions of pharmacy and dentistry, two Acts, namely, the Pharmacy Act 8 and the Dentists Act 16, were passed, which, proceeding mostly on parallel lines, made provisions for creation of respective Central Council and Provincial Councils, registration of the members of the professions, approved courses of study and appointment of Commissions of Enquiry under

certain contingencies. The Dentists Act also provided for registration of dental hygienists and dental mechanics and of their qualifications, and banned the practice of dentistry by unregistered persons after the expiry of two years from the commencement of the Act. The schedule to the Act sets out the recognized dental qualifications, but these qualifications shall not entitle foreigners other than British subjects of Indian domicile to registration unless by law and practice of the States or the country to which these persons belong, persons of Indian origin, holding dental qualifications registrable in that State or country, are permitted to enter and practise the profession of dentistry in that State or country. This is to procure and ensure reciprocity between India and foreign countries.

Taxation.—On the above subject there were as many as four measures. The Taxation on Income (Investigation Commission) (Amendment) Act 23 was designed to stop certain loopholes in the principal Act 30 of 1947. The law relating to Income-tax was amended in certain minor respects by Acts 48, 49 and 55.

Road Transport.—The Road Transport Corporations Act 32 was enacted for promotion of a co-ordinated system of road transport in India. These corporations are to be appointed by Provincial Governments under specified conditions.

Workers' Welfare.—Five important measures were passed to redress the long-standing grievances of industrial and skilled labour:

(*a*) The Dock Workers (Regulation of Employment) Act 9 provided *inter alia* a scheme for ensuring regular employment of workers. This reform was long overdue, since, as far back as 1931, the Royal Commission on Labour had recommended that " a policy of decasualization should be adopted with a view to regulate the number of dock workers in accordance with the requirements and ensure that the distribution of employment depended not on the caprice of intermediaries, but on a system which as far as possible gave all efficient men an equal share." Accepting the above recommendations, the Government at first made efforts to induce Port Trusts to formulate the necessary schemes, but having failed to achieve the desired object, a scheme for compulsory registration was prepared in 1939, but was not proceeded with due to the outbreak of war. The Act also makes a provision for the constitution of an Advisory Committee, consisting of not more than fifteen members representing the Government, the Dock Workers and the Employers in equal proportion.

(*b*) The Minimum Wages Act 11 made provisions for fixing minimum rates of wages in certain employments. Justification for statutory fixation of minimum wages was quite obvious as such provisions existed in all the advanced countries and are even more necessary in India where the workers' organizations are poorly developed and the workers' bargaining power is insufficient. The items in the schedule are those where sweated labour is more prevalent or where the chances of exploitation of labour are greater. After a time when experience is gained, more categories of employment can be added to the schedule for which the Act provides the remedy. To meet the case of an employer paying less than the minimum wages, a summary procedure has been laid down in the Act for recovery of the balance with penalty and for subsequent prosecution of the offending party.

(*c*) Another land-mark in labour legislation was the Employees' State Insurance Act 34, which provided for certain benefits to employees in case of sickness, maternity and employment-injury. The introduction of such a scheme which commonly goes by the name of " Health Insurance " had been under consideration of the Government of India for a long time, and the necessity thereof had become more urgent in view of the conditions brought about by the war. The Corporation created by the Act to carry out the scheme will be membered by some Ministers and nominees of the Central Government and representatives of all the Provinces, of the employers and the employees, the medical profession and the Central Legislature. The Insurance Fund will be mainly derived from contributions from employers and the employees, supplemented by grants by the Central Government

to the extent of two-thirds of the administrative expenses. To decide disputes an adjudicate all claims, special courts have been set up.

(*d*) The object of the Coal Mines Provident Fund and Bonus Schemes Act 46 is evident from its title. The Act, replacing an ordinance on the subject, embodie recommendations of the Board of Conciliation, appointed in 1947 in connexio with certain labour disputes.

(*e*) Lastly, in order to consolidate and amend the law regulating labour i factories, the Factories Act 63 was also passed.

A few words may be said about legislation necessitated by the partition of th country and the independent status of India. The Exchange of Prisoners Ac 58 * was enacted in pursuance of an agreement with Pakistan for the exchang and transfer of certain categories of prisoners.

The continuance of Legal Proceedings Act 38 * was needed to provide for th continuance after August 15, 1947, of certain legal proceedings by or against th Secretary of State, whereas the Diplomatic and Consular Officers (Oaths and Fees Act 41 was required to meet the needs of Indian Embassies and Consulates abroad

There were also a few short Acts making minor amendments in the law relatin to Insurance (No. 10), Code of Civil Procedure (No. 6), Tea Control (No. 19) Railways (No. 21), Aircraft (No. 24), Insolvency (No. 25), Merchant Shippin (Nos. 27 and 42), Registration (No. 39), Port Trusts (No. 36), Cantonments (No 50) and the Imperial Library at Calcutta (No. 51).

Ordinances Promulgated during 1948.

Out of the 38 Ordinances which were promulgated by the Governor-General i exercise of the powers conferred by s. 42 of the Government of India Act, 193 (26 Geo. V, c. 2), twelve were amending Ordinances and made amendments urgentl required in the Acts dealing with the Army (Nos. 2 and 19), Delhi Improvemen Trust (No. 4), Navy Discipline (No. 5), Durgah Khawaja Saheb (No. 10), Taxatio on Income (Investigation Commission) (Nos. 15 and 35), Excess Profits (No. 27) Essential Supplies (No. 31) and Tariff (No. 33).

Another group of Ordinances was promulgated to meet emergencies in relatio to Health and Public Safety. These included the Delhi Water Supply (Emergenc Provisions) Ordinance (No. 8) and the Bombay Public Security Measures Ac (Delhi Amendment) Ordinance (No. 14), while No. 24 was designed to provide fo special measures to ensure the public safety and interest and to prevent grav menace to the security of India. As a *sine qua non* to such an Ordinance a Pro clamation was declared under s. 102 of the Government of India Act that a grav emergency existed whereby the security of India was threatened by internal dis turbance. The Ordinance conferred upon the appropriate Government extensiv emergency powers to make rules for securing public safety and the maintenanc of public order, of supplies and services, essential to the life of the community o for preventing any grave menace to the security of the country.

Another group of Ordinances was designed to meet the political situation whic had arisen in the country as a result of accession or non-accession of certain State This group included the Securities (Hyderabad) Ordinance (No. 16), the Mangro and Manavader (Administration of Property) Ordinance (No. 22), and the Merchan Shipping (Acceding States) Ordinance (No. 28).

The aftermath of the Partition of the country necessitated the promulgation o two Ordinances as a result of Inter-Dominion Agreements, namely, the Pakista Military Personnel Amnesty Ordinance (No. 1), the Exchange of Prisoners Ordi nance (No. 6), while two more became necessary in order to control the admissio into, and to regulate the movements in, India, of persons from Pakistan. Thes

* *Note.*—Acts marked by * followed and repealed Ordinances promulgate earlier in the same year or in the previous year. Acts bearing Nos. I–V of 194 were passed in 1947 and were dealt with in the Summary for that year.

were Nos. 17 and 34 respectively. The Displaced Persons (Institution of Suits) Ordinance (No. 18) and the Resettlement of Displaced Persons (Land Acquisition) Ordinance (No. 20) were promulgated to afford immediate relief to the displaced persons from West Pakistan.

In connexion with the numerous transfers of property between the inhabitants of the Dominions of India and Pakistan, it was found necessary to provide for payment of taxes before such transfers were recognized, and hence two Ordinances, entitled the Transfer of Property (India) Ordinance (No. 3) and the Payment of Taxes (Transfer of Property) Ordinance (No. 21), were promulgated.

Ordinances Nos. 12 and 32 were designed to regulate certain *legal* proceedings in civil and criminal matters, while the aim of the Arbitral Tribunal (Dissolution) Ordinance (No. 9) was merely to dissolve formally the Tribunal previously set up, since the Tribunal had disposed of all the references made to it. One of the most important Ordinances was the Public Companies (Limitation of Dividends) Ordinance (No. 29), as it was to fight inflation by limiting the dividends payable by a company to 6 per cent. (exclusive of income-tax) or the average annual dividend, determinable in a specific manner, whichever was higher.

Two Ordinances, namely, Nos. 25 and 26, cannot be lost sight of. The former dealt with the Control of Banking Companies by placing restrictions on loans and advances, as also on amalgamation, whereas the latter provided for extension of the term of unexpired patents.

Lastly, powers were conferred by Ordinance No. 7 upon the Central Government to frame a Provident Fund Scheme and a Bonus Scheme for persons employed in coal mines.

2. PAKISTAN.

[*Contributed by* C. M. Shafqat, Esq.]

This review will cover legislation promulgated at the Centre from the " appointed day," namely August 15, 1947, to the end of the year 1948. On the former date the State of Pakistan took birth, separating from India, and the two States became independent dominions of the British Commonwealth.

The period is characterized by extraordinary legislative activity. As was inevitable, the bulk of law made consisted of Ordinances and Orders. Though there was practical unanimity in general on the principles of the Bills presented to the Constituent Assembly (whose members act together as the Legislature of Pakistan), the outcome of which was an easy and quick passage of these Bills, the difficulty of getting the members to assemble at Karachi from far-flung places, especially East Bengal, in days of disrupted communications, necessitated resort to extra-legislature measures. A second, and perhaps the more important, reason was the urgent, manifold and varied difficulties of the new State.

The State had to work within an old frame-work, the texture of a Constitution Act (26 Geo. V, c. 2) devised as far back as 1935 for different reasons and different ends. This naturally spelled extensive alterations if the Act was to be workable at all. At the outset measures were taken to free Ordinances from the trammels of a limited duration by an amendment of the Act, a feature now being abandoned. Again, the very first Act of the Constitution-making body was to extend the period during which Orders—the offspring mostly of the Indian Independence Act, 1947 (10 & 11 Geo. VI, c. 30), in particular its s. 9—could be made by the Governor-General to amend and adapt the Constitution, to mould it to the new conditions, up to March 31, 1948, by a year. These Orders were made to reach purposes not touched in this manner ever before, a procedure which might have made a Hamilton hold up his hands. But necessity is its own law and invents devices. Wholesale adaptation of " Indian " laws was made by means of Orders. Six Orders were made during 1947, but already no less than 17 had been made prior to August 15 for the joint purposes of the two Dominions. These were of far-reaching import-

ance. Twenty-three Orders were made in 1948 and in 1949 only 8. This shows that the necessity for them has worn out. An extraordinary power conferred by s. 9 of the Independence Act was that these Orders could be made retrospective to any date not earlier than June 3, 1947, though (another interesting provision) the applicability of criminal law to the extent of retrospectivity was taken away. Again, one Order (Joint Defence Council) was made on December 1, 1947, by the Governors-General of the two sovereign States acting jointly. In short, the legal basis of the new State and the legal measures taken to implement it are of considerable interest to the student of constitutional law.

It is not possible to detail out these Orders. The most that can be done is to describe very briefly the objects of the principal Acts and Ordinances and any salient provisions. The out-turn of the former during 1947, 1948 and 1949 was nil, 30, 15 respectively, and of the latter 6, 27 and 21. For brevity's sake the year of the passing of an Act or Ordinance, generally a part of its short title, is left out of the following account. In addition the Constituent Assembly twice amended the Independence Act in 1948 and once in 1949. The number of the amendments of the Government of India Act (still retaining its original name) was exactly symmetrical. One amendment of the former has been mentioned above (s. 9); by the second the provision (s. 10) that the conditions of service of the members of the so-called Secretary of State Services and the Judges of the Federal Court and High Court could not be altered, if they continued, was changed to exclude persons of Asiatic domicile from the purview of the enactment; the third was merely consequential on an Act which will be mentioned shortly. By the first amendment of the Government of India Act sales-tax was transferred from the Provincial to the Central List of subjects which may be topics of legislation; the second amendment (ss. 102 and 126A) made threat to economic life to the country equally the basis of a proclamation of emergency by the Governor-General with the result that the Federal Legislature could then legislate on provincial matters, and the Governor-General could give directions to the Provincial Governors on executive matters. This amendment is plainly the outcome of the mass exodus from and to Pakistan which followed the Partition, and the like of which is not known to history. The third amendment of the Government of India Act made provision for the appointment of Deputy Ministers, an office analogous to that of the Parliamentary Secretaries of State in the United Kingdom.

Two statutes independent of these Acts were passed by the Constituent Assembly in 1949; one to provide for a permanent machinery for inquiry into the conduct of a minister, a deputy minister or a parliamentary secretary: the other to increase the number of seats in the Constituent Assembly, following the general evacuation of Hindus and Sikhs. Under the first Act the gravamen of the charge is misconduct, the misuse of a public office to personal ends, and the punishment provided is disqualification from membership of a public body for a maximum of ten years, the exact period being determined by the Governor-General. This springs from an anxious desire to keep the public life clean, and doubtless has its counterpart in many countries to-day. The working of the Lynskey Tribunal in England is still fresh in most minds.

To any one who casts even a cursory glance at the Acts and Ordinances enacted during these two and a quarter years there will unfold a panorama which is bewildering in its variety and complexity. But it will be noticed that these provisions are in general made for the urgent needs of the State, for security and revenue purposes, to meet the problems of separation, to overcome the hiatuses involved in the exchange of vast populations. They may be called *ad hoc* legislation with regard to their genesis, though there is no doubt that most of them will endure. On the whole, there is a remarkable absence of any attempts at alteration of social structure, at overhaul of economic life, at a direct interference with the life of a people. This is explained by the new context, the circumstances attending the birth of the new State.

Acts 1948.

Finance and Revenue.—The Pakistan Finance Act, I—a hardy annual re-enacted in 1949 (as Act IX)—provides for continuance or increase of duties, excise or customs on salt, sugar, kerosene oil, raw hides and other articles, and increases the inland postal rates.

The Income-tax, Excess Profits Tax and Business Tax (Amendment) Act, IV, improves certain provisions of the law extant at the time and hits the tax-evader.

The Pakistan General Sales Tax Act, V, is a comprehensive measure on a subject recently made central. It imposes a tax on sale of goods by a dealer.

The Inland Bonded Warehouses Act, XI, transfers certain powers from the Central Board of Revenue to the Local Customs Officer, the proper repository of these powers.

The Sea Customs Act, XIII, amends the existing law regarding the duration for which salt may be kept in a warehouse.

The Banking Companies (Control) Act, XXII, seeks to remedy the situation in which the banks operating in Pakistan but having their head offices outside it, mostly in India, held the majority of their assets outside Pakistan. It imposes on them the control of the State Bank of Pakistan, and follows clearly the lines of an Indian Ordinance.

The Inland Income Tax (Second Amendment) Act, XXIII, ensures recovery of taxes due from persons who visit or reside temporarily in Pakistan but are not domiciled here.

The Cotton Cess (Amendment) Act, XXX (the last of the session), may be called a revenue measure, but its principal object is the improvement of the quality and production of cotton.

Communications.—The Railway (Transport of Goods) Amendment Act, II, continues the control of priority movement on Pakistan's railways.

The Karachi Port Trust and the Chittagong Port (Amendment) Acts, I and X, are enabling sister measures making it possible for the Central Government to take over the management of these ports, at present being carried on by special bodies.

The Protection of Ports (Special Measures) Act allows the Government to declare a port a protected area for the purpose of regulating the entry of persons. It is really a safety measure.

International Relations.—The United Nations (Privileges and Immunities) Act, XX, grants the now widely adopted diplomatic immunity and facilities, within Pakistan, to the United Nations, its representatives, officers and experts, at the same time enabling the Central Government to grant the same privileges to other international organizations and their representatives and officers.

The United Nations (Security Council) Act, XIV, gives legal basis to Art. 41 of the Charter of United Nations ratified by the Government of Pakistan, which enables it to give effect to measures recommended by the Security Council, short of use of armed forces.

The Diplomatic and Consular Officers (Oaths and Fees) Act, XXI, confers authority on Pakistan diplomatic and consular officers to administer oaths, take affidavits, do any notarial acts, and to levy fees for certain services such as the grant of visas.

Consequential Constitutional Measures.—The Arbitral Tribunal (Dissolution) Act, XVI, and the West Punjab Special Tribunal (Abolition) Act, XVIII, abolish bodies set up on account of the Partition which had either fulfilled their appointed task or failed of their purpose.

Even legislators must feed, and the Constituent Assembly (Legislature) Allowance Act, III, and the Pakistan Federal Legislature (Deputy President's Salary) Act make necessary provisions, the former merely assimilating the condition of the members of the Legislature to that of the constitution-making body—a step the more reasonable because the personnel are the same.

Miscellaneous.—The Pakistan Armed Forces (Recruitment and Conditions of

Service) Act, XII, makes any reference to the British Army Council unnecessary in determining the conditions of service of officers holding the King's Commission in the Defence Forces of Pakistan.

While corrupt officers are given short shrift by the Pakistan Criminal Law Amendment Act, XIX—an Act which completes a statute of undivided India (The Prevention of Corruption Act, II, of 1947) which established a Special Police Establishment, created certain presumptions against public servants and made "corruption" offences cognizable by police—the Sind Rent Restriction (Amendment) Act, XXVI, provides for summary ejectment of unauthorized occupiers of residential premises in the Capital of the Federation, and the Hoarding and Black Market Act, XXIX, seeks to make it the more difficult for the practitioners of these evils, ancient attendants of scarcity and difficult times and therefore doubly reprehensible, to carry on their trade.

The Regulation of Mines and Oilfields and Mineral Development (Federal Control) Act, XXIV, is no more than what its name signifies. At the same time the provisions of an Act of undivided India, the Industrial Disputes (Amendment) Act, XXVII, which aimed at preventing lightning strikes in a "public utility service" in relation to installations of the defence services, are extended to any service incidental to the maintenance of naval dockyards in the ports of Karachi and Chittagong.

The Patents and Designs (Extension of Time) Amendment Act, XXV, continues an arrangement extending time for claiming priority in case of inventions and designs granted to any one in the United Kingdom.

Ordinances 1947.

Three Ordinances (I, V, VI) of this period are concerned with banking (either to grant them moratorium or to prevent banks established outside Pakistan (clearly chiefly in India) from evading their liabilities, one (III) with riot insurance and the fifth (IV) with forbidding transfer of property (plainly that of evacuees without payment of taxes. Obviously these are emergency measures for dealing with emergency situations.

1948.

Banking, insurance, currency and exchange again loom large in this period. Certain existing Acts are amended to give greater conformity to the new and unforeseen conditions, some deal with emergencies like the exchange of prisoners with the sister Dominion (XII), or the registration of essential personnel (X), or the control of entry of persons from India into Pakistan (XVII), or requisitioning of accommodation in cantonments (IV).

Two Ordinances (XXIV and XXV) are interesting inasmuch as they discountenance association with the name of a registering company of the words Pakistan or Quaid-i-Azam Jinnah, or of the United Nations, and the other forbids the use of the appellation "United Nations" with a trade-mark. Existing provisions of Companies Act, 1913 (s. 11), and of Trade Marks Act, 1940 (s. 69) already did not allow of use of names like Royal.

The pride of place, however, must be given to the measures taken for rehabilitation of refugees from East Punjab and other places in India. Ordinance No. XV provides for the establishment of a Finance Corporation for the purpose. No. XIX makes important measures for "the restoration and maintenance of the economic life of Pakistan and the orderly settlement of persons who have taken refuge there." No. XVII is a companion Ordinance dealing with management of evacuee property, the appointment of its Custodian and his powers. His position is more or less similar to that of a trustee. No. XII provides registration of abandoned land claims by the refugees from India.

3. ASSAM.

[*Contributed by* S. M. LAHIRI, ESQ., M.A., *Secretary to Government.*]

Finance.—Act I fixes the rates at which Agricultural Income shall be taxed under the Agricultural Income-tax Act, 1939.

Elections.—Act II postpones Local Board Elections due to have been held before April 1, 1948.

Motor-cars.—Act III provides for control of commercial sales of new motor-cars imported into Assam. It was amended by Act XX.

Revenue Tribunal.—Act IV provides for the transfer of the powers and jurisdiction of the Assam Revenue Tribunal.

Ministers' Salaries.—Act VI repeals the Ministers (Salaries and Allowances) Act, 1940, and the Ministers (Salaries and Allowances) Act, 1944, and determines afresh the salaries and allowances of the Governor's Ministers.

Speaker's Salary.—Act VII repeals the Speaker's Salary Act, 1937, and the Speaker's Salary Act, 1944, and fixes afresh the salary and allowances of the Speaker of the Assam Legislative Assembly. Act VIII provides for the salary of the Deputy Speaker of the Legislative Assembly.

Landlord and Tenant.—Act XII provides for the protection and regulation of Adhiars (tenants) in Assam.

Shops.—Act XIII provides for and regulates the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons so employed.

Vehicles.—Act XVII provides for the requisition and control of vehicles.

Land Requisition.—Act XXV provides for the requisition and speedy acquisition of premises and land for certain purposes.

Cattle.—Act XXVI provides for the prevention of the spread of contagious diseases among cattle in the Province of Assam.

Local Government.—Act XXVII establishes and develops Local Self-government in the rural areas of the Province of Assam.

Famine Relief.—Act XXVIII provides for the establishment and maintenance in the Province of Assam of a Fund called the Assam Famine Relief and Insurance Fund.

4. BIHAR.

[*Contributed by* SECRETARY TO GOVERNMENT.]

ACTS.

Essential Services Maintenance.—Act No. 1 arms the Government with powers to prevent any person engaged in any employment or class of employment under them from disobeying any lawful order or abandoning such employment.

Agricultural Lands.—Act No. 2 provides for the restoration of agricultural lands sold in execution of decrees for arrears of rent in any of the years 1930 to 1942 in pursuance of the movement launched by the Indian National Congress to the original tenants known as *Tana Bhagats* (an aboriginal tribe) on their paying the full decretal dues for which the lands were sold.

Immoral Traffic.—Act No. 3 is designed to improve the tone of public morality by forcing public women and the persons who live on their earnings to take to more decent and useful means of livelihood.

Tenancy.—Act No. 4 enables artisans and landless labourers to hold homesteads on a permanent basis on payment of fair and equitable rents, and places restrictions on the right of transfer of such homesteads.

Act No. 20 amends the Bihar Tenancy Act, 1885, in respect of appeals under ss. 40 and 112A of the Act.

Food Adulteration.—Act No. 5 aims at controlling food adulteration and improving the quality of foodstuffs.

Provincialization of Roads and Hospitals.—Act No. 6 provides for the provincialization of certain public roads and hospitals for efficient maintenance of communications and better medical facilities to the people.

Local Self-government and Municipalities.—Act No. 7 provides for the reorganization of the village communities into self-governing units by vesting general executive and judicial functions in the people themselves.

Act No. 22 amends the Bihar and Orissa Municipal Act, 1922, in several respects. The main provisions are: (1) imposition of a tax on bicycles within municipalities; (2) raising the maximum limit of tax on holdings to 12½ per cent.; (3) constitution of a special waterworks committee for municipal waterworks with certain well-defined powers; (4) raising the maximum water rate to 12½ per cent.

Act No. 26 amends the Bihar and Orissa Local Self-government Act of 1885, by providing for the administration of a newly constituted district board till the holding of general elections.

Waqfs (Charitable Endowments under the Muhammadan Law).—Act No. 8 amends the Bihar Waqfs Act, 1947, in order to make the *mutawalis* (managers) of Waqfs eligible for appointment to the first Majlis (a Board to administer the Waqfs in the province).

Forests.—Act No. 9 empowers Government to take over forests belonging to private persons for management as protected forests to prevent their wanton destruction.

Mica.—Act No. 10 empowers Government to regulate the possession and transport of, and trading in, mica.

Molasses.—Act No. 11 amends the Molasses (Control) Act, 1947, so as to exercise stricter control over distribution, supply and storage of molasses, and to fix a standard to ensure against adulteration by sugar factories or stockists and others.

Taxation.—Act No. 12 makes registration of motor vehicles quite independent of imposition of tax, and also provides that vehicles, other than transport vehicles, taxed in one province in respect of a quarter should not be re-taxed in another province for the same quarter.

Act No. 17 empowers the Government to vary the rate of tax for motor spirit subject to the maximum rate of 6*s*. a gallon.

Act No. 25 is an anti-inflationary measure which raises the surcharges on court-fees and stamp duties to 40 per cent. of the fees or duties leviable or chargeable under the Court-fees Act and the Stamp Act. The surcharge imposed in 1943 which permitted an increase equal to the amount of duty leviable under the Entertainments Duty Act, 1937, continues as before.

Act No. 32 consolidates and amends the law relating to the imposition of a tax on agricultural income arising from land and provides for the levy of a tax on every person whose total agricultural income exceeds Rs. 3,500 a year.

Act No. 34 increases the rates of tax in respect of motor-cycles, commercial vehicles and private motor-cars.

Act No. 35 imposes a tax on all payments for admission to entertainments at the rate of 25 per cent. of such payments and provides for the registration of proprietors of entertainments.

Act No. 36 provides for the levy of a tax on sale as well as consumption of electricity generally.

Drug Advertisements.—Act No. 13 seeks to control certain objectionable advertisements relating to sexual stimulants and alleged cures for venereal and female diseases.

Public Demands.—Act No. 14 makes provision for the speedy recovery of the sums due for the supply of electrical energy or water under the Dehri-Sasaram Electrification Scheme and the Dehri-Sasaram Lift Irrigation Scheme.

Alluvion and Diluvion.—Act No. 15 enables revenue authorities to assess to revenue alluvial reformations within an estate in cases where abatement of land revenue had been allowed at the time of diluvion.

Co-operative Societies.—Act No. 16 amends the Bihar and Orissa Co-operative Societies Act, 1935. The main object of the Act is to remove the difficulties experienced in the working of Co-operative Societies by repealing the provision attaching finality to a compromise or an arrangement between the societies and the creditors, and also to bring into operation the Credit Agricole Scheme in the interest of the members of the societies as well as agriculturists in general.

University.—Act No. 18 amends the Patna University Act, 1917, in respect of the constitution of the Senate and the Syndicate.

Power Alcohol.—Act No. 19 provides for the manufacture and compulsory admixture of power alcohol, prepared from molasses, with petrol for use as motor fuel, and for the sale of such power alcohol at a price to be prescribed by the Government.

Hindu Women's Rights to Property.—Act No. 21 extends the operation of Central Acts XVIII of 1937 and XI of 1938 to agricultural lands in Bihar with retrospective effect.

Lands.—Act No. 23 empowers Government to impose restrictions on the unregulated use of land with a view to preventing ribbon development, and for regulating building activities in places where regular town-planning operations have not been taken up.

Local Self-government and Cess.—Act No. 24 amends the Bihar and Orissa Local Self-Government Act of 1885, and the Cess Act, 1880. The following are the main provisions of the Act; (1) Empowering Government to determine the rate of the local cess in a cess year on the failure of the district board to do so. (2) Enhancement of rate of cess from 1 anna to a minimum of 1 anna and 6 pies on each rupee with option for the district board to raise it 2 annas on each rupee. (3) Barring the application of the local laws relating to local self-government to any place declared to be a cantonment by the Central Government. (4) Provincialization of the services of District Engineers. (5) Empowering Government to fix or alter the number, designations, grades and pay of officers and servants of district boards in order to improve efficiency of the staff.

Bakasht Dispute.—Act No. 27 amends the Bihar Bakasht Disputes Settlement Act, 1947, empowering the Provincial Government to appoint a member to represent a party, and also providing that failure on the part of any member of the Board to sign the decision of the Board shall not effect the validity of its decision.

Salaries and Allowances.—Act No. 28 amends the Bihar Legislature (Members' Salaries and Allowances) Act, 1938, empowering Government to grant the members of the Legislature a daily allowance at an enhanced rate.

Public Order.—Act No. 29 amends s. 3 of the Bihar Maintenance of Public Order Act, 1947, so as to enable Government to make a fresh order under s. 2 of the Act after the expiry of six months, which was the maximum life of an Order.

Registration.—Act No. 30 makes an express provision in the Societies Registration Act, 1860, for changing names of societies registered under the Act.

Criminal Procedure.—Act No. 31 provides that offences under s. 19 of the Indian Arms Act, 1878, shall be non-bailable.

Workmen's Protection.—Act No. 33 provides for protection to workers employed by a Local Authority on a system of public conservancy or sanitation or employed in any industrial establishment from molestation and intimidation by undesirable money-lenders.

Fire Service.—Act No. 37 makes provisions for the better regulation of the fire-fighting organization in the province and for the constitution of a provincial fire service to carry out fire-fighting measures. It gives legal powers to the fire-service personnel for due performance of their duties and legal authority to Government for the organization of the Force and for maintenance of discipline in it.

Ordinances.

Four Ordinances were made and promulgated by His Excellency the Governor of Bihar under Sub-section (1) of s. 88 of the Government of India Act, 1935, during the year under review.

Ordinance No. I provides for the compulsory registration and movement of refugees on account of the partition of British India in 1947.

Ordinance No. II was later in the year enacted as an Act of the Provincial Legislature—Bihar Act No. XI of 1948—the provisions of the two being identical.

Ordinance No. III provides for the payment of sales tax by dealers whose gross turn-over on sales which take place both in and outside the Province exceeds Rs. 10,000.

Ordinance No. IV makes certain minor amendments in the Bihar Bakasht Disputes Settlement Act, 1947.

Regulations.

Four Regulations were made by His Excellency the Governor under Sub-section (2) of s. 92 of the Government of India Act, 1935, during the period under review.

Regulation No. 1 makes certain amendments in the Santal Pargans Justice Regulation, 1893, and transfers pending proceedings under the Indian Divorce Act, 1869, to the Court of the District Judge.

Regulation No. 2 applies the Bihar and Orissa Aerial Ropeways Act, 1924, to the Ranchi district.

Regulation No. 3 applies the Bihar and Orissa Local Self-government Act of 1885 to the Santal Pargans district.

Regulation No. 4 applies the Damodar Valley Corporation Act, 1948, to the Chota Nagpur division and the Santal Pargans district.

5. BOMBAY.

[*Contributed by* J. R. DHURANDHAR, ESQ.]

DURING the year 1948 the following Acts were passed by the Bombay Legislature and having received the assent of the Governor or the Governor-General, as the case required, became law. The main purposes of each of the Acts are briefly stated below:

During the period commencing from November 4, 1939, to April 3, 1946, all Acts were made by the Governor of Bombay in exercise of the powers of the Bombay Legislature assumed by him under the Proclamation dated November 4, 1939, issued under s. 93 of the Government of India Act, 1935. With regard to these Acts, sub-section (4) of the said s. 93 provided that every such Act shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the Legislature. The said Proclamation ceased to have effect from April 3, 1946. It was, therefore, necessary to re-enact before April 3, 1948, such of the Acts made by the Governor during the period commencing from November 4, 1939, to April 3, 1946, as were necessary from the administrative point of view.

The following enactments were passed during the year 1948:

The City of Bombay.—By Bombay Act No. XVI of 1942, as amended by Bombay I of 1945, the contribution payable by the Bombay Municipal Corporation under s. 125 (2) (*d*) of the City of Bombay Municipal Act, 1888, from general revenues to the separate account maintained for improvement schemes was reduced for a period of six years from April 1, 1942. Act III continued this relief to the Corporation for one year more.

Land Acquisition.—Act IV provides for the fixation of the ceiling price of all land which may have to be acquired by Government for its Housing Programme.

Essential Commodities.—Act VII amends the Bombay Essential Commodities and Cattle (Control) Act, 1946, to acquire power to seize vehicles, vessels and animals carrying essential commodities in contravention of orders issued under the said Act.

Identification of Prisoners.—Act XV amends s. 4 of the Identification of Prisoners Act, 1920, in its application to the Province of Bombay, so as to empower a police officer to take measurements or photographs of persons dealt with under s. 46 or 46B of the Bombay District Police Act, 1890, or s. 27 of the City of Bombay Police Act, 1902, or s. 2 of the Bombay Public Security Measures Act, 1947.

Public Security.—Act XVII makes provision for the refund of collective fines imposed on the inhabitants of any area if they are concerned in the commission or abetment of offences affecting the public safety or the maintenance of public order, where this is found necessary.

Public Conveyances.—Act XVIII empowers the licensing authority to refuse to grant licences for any class of vehicles if in its opinion it is undesirable that such vehicles should be used as public conveyances. It also empowers that authority to refuse to renew, and at any time cancel, the licences already granted for such vehicles.

Local Boards.—Act XIX provides for a compulsory levy of local fund cess at the uniform rate of 3 annas in the rupee. It also revises the maximum rate of levy of the cess under s. 95 of the Bombay Local Boards Act, 1923, from 2 annas to 3 annas in the rupee.

Poona University.—Act XX establishes and incorporates a teaching and affiliating University at Poona.

Entertainments Duty.—Act XXI empowers the Provincial Government to make rules regarding exemption from entertainments duty or from any part or class thereof of soldiers, sailors or other defence forces in uniform of any nationality.

Refugees.—Act XXII provides for compulsory registration and movement of refugees and for certain other purposes.

Co-operative Societies.—The main features of Act XXVIII are as follows, namely; (1) Progressive de-officialization of control over co-operative movement. (2) Making unlimited liability optional in respect of primary resource societies. (3) Splitting up single societies into two or more units wherever they so desire. (4) Extension of the compulsory provision of c. XI of the Act to Better Farming Societies. (5) Providing sufficient safeguards for the recovery of advances made by Co-operative Societies to their members. (6) Setting up of a Co-operative Tribunal for deciding appeals relating to arbitration proceedings, etc.

Public Security.—Act XXX extends the life of the main Act, widens the scope of detentions and introduces specific provisions for the control of the Press, and for regulating the supply or removal of commodities or articles from the Province.

Criminal Procedure.—Act XXXII constitutes a separate Sessions Court for Greater Bombay. It also gives power to hear appeals from the decisions of Presidency Magistrates so as to make the practice in this matter uniform throughout the Province.

Land Requisition.—Act XXXIII provides for the requisition of land, for the continuance of requisitioned land and for certain other purposes.

Police.—Act XXXIV makes the law relating to street gamblers more severe by making punishment of imprisonment compulsory for the offence and providing a higher punishment if the offence is repeated. It also empowers the police to restrict the use of noisy instruments like loud-speakers in public places or places of public entertainment.

Land Revenue.—Since there is no provision in the Bombay Land Revenue Code empowering Government to revise the non-agricultural assessment after it is once

fixed, Act XXXV amends the Code for the purpose so that the non-agricultural rates may be revised so as to be consistent with the rise in value of non-agricultural lands.

Rent Restriction.—Act XXXVI, among other things, provides for the period within which appeals may be filed against an order or decree of a Court having jurisdiction under the Principal Act; makes more explicit the intention underlying s. 10 of the Act, viz. that the landlord should be able to recover from the tenant increases made by Local Authorities in rates and taxes from time to time; and checks the practice adopted by many owners of hotels and lodging-houses to take advance charges for unduly long periods.

Bigamous Marriages.—Act XXXVIII removes certain anomalies and lacunæ in the provisions of the Bombay Prevention of Hindu Bigamous Marriages Act, 1946.

Civil Court.—Act XL establishes an additional civil court for Greater Bombay subordinate to the Bombay High Court.

Industrial Relations.—Act XLIII provides, among other things, for the constitution of wage boards: constitution of Joint Committees by the Provincial Government: gives powers to the Industrial Court for dealing with Contempt of Court in relation to itself and Courts subordinate to it: avoids the overlapping jurisdiction of a Labour Court and the Industrial Court in cases of submission under s. 66 (2) of the Bombay Industrial Relations Act, 1946: and gives power to the Industrial Court to review its decision provided there are sufficient reasons.

Criminal Procedure.—Act XLVI enables all Criminal Courts in the Province to make an order for costs in favour of the accused where the Court is of the opinion that a prosecution is launched by a private prosecutor without reasonable cause.

Education.—Act XLIX establishes a Board for the purpose of holding and conducting an examination at the end of the high-school education stage and for prescribing courses of studies for such examination with a view to equipping pupils for employment, for education in the University and for other cultural purposes.

Lotteries.—Act LIV provides for the control and taxation of lotteries and prize competitions in the Province of Bombay.

Town Planning.—Act LV empowers the village panchayats to undertake town-planning schemes in order that the development in panchayat areas should be on the proper lines. It also enables Government to acquire under the Land Acquisition Act, 1894, any land included in a town-planning scheme for a purpose other than that for which it was included in the scheme.

Weights and Measures.—Act LVI amplifies the scope of the Bombay Weights and Measures Act, 1932, in order to prevent the various malpractices in the use of weights and measures and weighing and measuring instruments, and in order to enable Government to make rules regarding the method of using weights, measures or weighing or measuring instruments generally or for a specified class of trade. It also enables Government to prescribe penalties for breach of certain rules.

Money Lenders.—Act LVIII, among other things, excludes loans or advances from Provident Funds and loans by Insurance Companies from the definition of the term " loan ": puts banks and banking companies carrying on the business of money-lending unequivocally on the same footing for the purposes of the definition of " money-lender " ; provides that a money-lender intending to do the money-lending business in the whole of the Province should apply only to the Assistant Registrar of the area within whose limits his principal place of business is situated and for grant of licence by other Registrars without further inquiry on the authority of the licence granted by the Registrar in whose jurisdiction the principal place of business of a money-lender is situated: and empowers the Registrar to cancel a licence in the event of any of the grounds mentioned in s. 8 of the Principal Act coming to his notice subsequently to the grant of the relevant licence. It also provides that the licence fee once paid shall not be refunded for any cause or claim whatsoever.

Animal Contagious Diseases.—Act LIX provides for the prevention and control of contagious diseases affecting animals.

Civil Procedure.—Act LX brings the pensions paid by Local Authorities to its servants on a par with those paid by Government in regard to protection from attachment.

Press and Registration of Books.—Act LXI provides that such number of copies of the book not exceeding five shall be delivered by the printer, free of expense to such public libraries as the Provincial Government may specify within one calendar month after the day on which any such book shall first be delivered out of the press.

Forests.—Act LXII secures to Government power to control privately owned forest and waste lands, and enables Government to manage such forests or lands whenever it is necessary to do so in the public interest.

Police.—Act LXIII amends s. 46 (4) of the Bombay District Police Act, 1890, and s. 27 (2A) of the City of Bombay Police Act, 1902, so as to provide for externment of persons convicted under s. 4 or 12A of the Bombay Prevention of Gambling Act, 1887. It also provides for a more severe punishment like imprisonment and heavier fine for effectively dealing with the hawkers.

Irrigation.—Act LXIV provides that the arrears of water rate shall be recoverable as arrears on account of the land irrigated, if such arrears are not paid in time.

Tenancy and Agricultural Lands.—Act LXVII repeals the Bombay Tenancy Act, 1939, and the useful provisions of the latter Act are incorporated in this Act. It puts together general provisions regarding tenancies, their duration, maximum rent, commutation of crop share rent into cash, prohibition of receiving rent in terms of service or labour, abolition of all cesses, haks, etc., as well as the special rights and privileges of protected tenants.

Housing.—Act LXIX provides for measures to be taken to deal with and satisfy the need of housing accommodation.

Agricultural Debtors Relief.—Act LXX, among other things, provides for allowing consolidation of applications for adjustment of debts made by joint debtors. It also provides that the consent of a simple majority of creditors in number and three-fourths majority in value would be adequate for the purposes of a scheme under s. 33 of the Principal Act instead of the agreement of all the creditors thereto. It further provides the procedure to validate the awards wrongly passed in favour of a Land Mortgage Bank, which is not competent under its by-laws to take over, and the procedure for recovery of the dues of the Land Mortgage Banks. The Act further empowers a District Judge to transfer appeals for disposal to an Assistant Judge or a Civil Judge entitled to hear appeals, and introduces a self-contained chapter prescribing the procedure for registration of awards. It also amplifies the saving clause to cover all cases which require to be saved by the various amendments made by this Act.

Children.—Act LXXI consolidates and amends the law for the custody, protection, treatment and rehabilitation of children and youthful offenders, and for the trial of youthful offenders in the Province of Bombay.

Land Improvement.—Act LXXIII reconstitutes the Land Improvement Boards on a district basis instead of on a divisional basis, and associates non-officials with the working of the Boards. It makes maintenance and repairs of a land the joint responsibility of the owners where it is necessary, and also provides for carrying out immediate repairs by the Land Improvement Officer in cases of emergency. The Act also empowers the Provincial Government to take up land improvement schemes in any area in the interest of the public.

Bombay Industrial Relations.—Act LXXIV attaches a condition that a union shall not take part in illegal strikes, etc. It lays down conditions for getting a union registered under the Bombay Industrial Relations Act, 1946; it allows disputes, where both parties consent, to be split in parts for the purposes of conciliation, etc. It also enables the transfer of cases from the Industrial Court to

such wage boards as have necessary powers of disposal. It makes stoppages illegal if agitated in sympathy with strikes which are themselves illegal. It also provides for the modification of an award, provided the award has run a life of one year.

Indian Systems of Medicine.—Act LXXV extends the period of the Board of Indian Systems of Medicine appointed under the Bombay Medical Practitioners Act, 1938, up to August 31, 1949.

Harijan Temple Entry.—Act LXXVII amends the definition of " Temple " in the Principal Act on the lines of the definition in the Orissa Temple Entry Authorization Act, 1948, and confers on Harijans the same right to worship as is available to the Hindu Community or any section thereof.

Shops.—Act LXXIX consolidates and amends the law relating to the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating-houses, theatres, other places of public amusements or entertainment and other establishments.

Animal Preservation.—Act LXXXI provides for the preservation of animals suitable for milch, breeding or for agricultural purposes.

Sugar.—Act LXXXII provides for levy of cess and for establishment of a fund for the purposes of the development and improvement of the cultivation, growth and marketing of sugar-cane and other irrigated crops, for the development of sugar industry and for the improvement and development of agriculture in general.

6. CENTRAL PROVINCES AND BERAR.

[*Contributed by* Shri T. C. Shrivastava, M.A., LL.B.]

During the year 1948, 67 Acts were enacted. The important of these are classified under the following heads:

Agriculture.—The object of Act I is to establish licensed warehouses for storing agricultural produce. The warehouse receipt is made negotiable by endorsement. This will enable the agriculturists to wait for better prices in the market, and also to secure money whenever they find it necessary for financing agricultural operations.

Act VIII aims at regulating fishery by checking indiscriminate catching and destruction of fish.

Act XVII empowers the Provincial Government to take temporary possession of land to secure economic holdings for mechanized ploughing. It is a measure to help in the " Grow More Food " campaign by bringing under cultivation areas infested with wild grass.

Act XVIII compels owners of land to bring under cultivation a prescribed percentage of their fallow land. This is a measure to attain self-sufficiency in food.

Act XXII aims at securing free grazing for cattle belonging to agriculturists, and also in some cases to non-agriculturists.

Act XXXV enlarges the scope of the principal Act of 1934 for controlling contagious diseases amongst animals and to deal with them effectively.

Act LXIV regulates the manufacture of *bidis* (cigarettes) during the agriculture season, so as to release periodically the labour for important agricultural operations.

Medical Profession and Public Health.—Act IV provides for the resuscitation of the Indian systems of medicine by regulating the qualifications of the practitioners.

Act LXV aims at punishing persons who falsely represent that they possess recognized medical degrees, titles or diplomas.

Act XIII regulates construction of buildings within the area of a Tuberculosis Sanatorium.

Taxation.—Acts VI and VII make permanent the stamp duties temporarily enhanced in 1939 and continued thereafter from year to year and also 33⅓ per cent. of surcharge on stamp duties first introduced in 1944 and similarly continued

Land Revenue and Land Tenure.—Certain lands were held by landlords free of land revenue or on favourable rates. Act XXXVII abolishes all such exemptions and concessions.

Act LVII provides for remission or exemption of land revenue on failure of crop in any area in the Central Provinces.

Public Order.—Act XX provides for restrictions on the release on bail of a person accused of an offence under the Indian Arms Act, 1878.

Act XXI is for establishing rural Home Guards to help the regular Police Force in maintaining peace and preventing commission of offences in rural areas.

Act LXII enables the Government to requisition and acquire property for maintaining supplies and services essential to the life of the community; and confers further powers of arrest and placing of restrictions on the exercise of the powers under s. 491 Criminal Procedure Code.

Education.—Act XXIII introduces new values in the High School Education by including within its purview all activities connected with secondary education, including those related to physical, moral and social well-being of the pupils. It also reconstitutes the Board with a view to making it more democratic and truly representative of the interests essentially connected with secondary education.

Act XXXIV provides for the election of the Chancellor of the University from among the registered graduates and wider representation in the membership of the Court.

Act XLVI empowers under certain conditions an authority to make an order applying Trust Funds to educational purposes.

Local Government.—Act XXXVIII aims at establishing small units of administration for looking into details concerning small areas within their jurisdiction. It decentralizes administration and places it in the hands of democratic institutions. At the same time it makes the services of experienced Government servants available to them.

Land, Its Uses and Town Planning.—Act XLVII controls construction of buildings on the sides of roads in rural areas.

Act LXVII controls the development of urban areas and empowers a Municipal Committee to take up a development scheme for various purposes within its areas with the sanction of the Provincial Government.

Accommodation.—Act LXIII is an emergency measure which empowers the Provincial Government for the purpose of providing residence to officers of the Crown or for locating any public office or office of a Local Authority.

7. COORG.

[*Contributed by* THE CHIEF COMMISSIONER.]

District Fund.—The Coorg District Board at its meeting held on October 1, 1946, resolved to levy an education cess at the rate of 1 anna in the rupee of the land revenue assessment. The question of levying an education cess in Coorg had been receiving the active consideration of the Board since 1931, when the Coorg Retrenchment Committee made a recommendation that the question of introducing in Coorg an Act similar to the Madras Elementary Education Act, 1920, under which an elementary education cess is levied there, be separately considered. The matter was examined in 1932, but was deferred for the time being, as the question of introducing in Coorg an Act similar to the Madras Elementary Education Act, 1920, involved the constitution of a District Educational Council, introduction of compulsory primary education and other complications, and also the contribution by Government to the funds of the Council of an amount not less than the proceeds of the taxation levied by the Council on the lines of s. 34 of the Madras Act in addition to, and not in lieu of, the amount of recurring expenditure incurred from provincial funds during the financial year before the coming into force of the Act

on education in elementary schools under public management. As the proposal resulted in additional expenditure to Government, it was not proceeded with.

The District Board is levying a house tax since 1942 on all the houses situated in certain rural pettas at a rate not exceeding 5 per cent. of the annual gross letting value, and also a wheel tax since 1943 on carts and cycles kept in rural areas at the rates of Rs.2 and Rs.1-8-0 per annum respectively. The tax on non-agricultural income earned or received in rural areas was also increased with effect from April 1, 1940. The Board is getting an annual grant-in-aid from Government to the extent of Rs.51,870, out of which Rs.22,720 is for primary education. A further grant-in-aid amounting to Rs.12,000, Rs.24,000 and Rs.35,000 was given to the Board during the years 1943–4, 1944–5 and 1945–6' respectively, to meet the cost of dearness allowance to the District Board teachers. In spite of all these grants, the Board was unable to meet the expenditure under education which is increasing year after year due to the increase in the number of schools and the number of students attending schools. To meet this increasing expenditure at least in part, the Board decided to levy an education tax at the rate of 1 anna in the rupee of land revenue assessment. The question of introducing an Act on the lines of the Madras Elementary Education Act was not considered desirable, from the Government point of view, for the reasons stated above. It was considered that it would meet the case if the Coorg District Fund Regulation, 1900, is amended so as to empower the Government to increase the rate of land cess from the present rate of 2annas in the rupee to a rate not exceeding 4 annas in the rupee instead of providing for the levy of a separate education cess. The Select Committee which considered the proposal considered that it would be sufficient if the limit is reduced from 4 annas to 3 annas. Accordingly s. 2 of Act No. 1 empowered Government to increase the rate of land cess to a rate not exceeding 3 annas in the rupee. The rate was once for all raised to 3 annas in the rupee from April 1, 1948. The intention is that instead of inserting a separate section providing for the levy of an education cess, it would be simpler to amend the existing provision for the levy of a land cess (*i.e.* s. 3A) by increasing the rate of land cess to a sum not exceeding 4 annas to enable the Government to increase the present rate of 2 annas to such a rate as is considered necessary or reasonable within the prescribed limit. At present it is proposed to increase the cess by 1 anna with effect from April 1, 1947, which will bring in an additional revenue of about Rs.34,000 or Rs.35,000 to the Board.

S. 3 of the Act provides for effecting a consequential amendment due to the insertion of a new s. 4B to the Regulation by No. II of 1941.

Courts.—Consequent on the retrocession of the Bangalore Civil Station to His Highness the Maharaja of Mysore, with effect from August 14, 1947, the Court of the Honourable the Resident in Mysore and Judicial Commissioner of Coorg ceased to function as from that date. In anticipation of this change, the Coorg Legislative Council, at the 1946 Autumn Session, passed a resolution requesting the Chief Commissioner to take necessary steps to constitute the Madras High Court as the High Court for Coorg. The Government of India accordingly, on the recommendation of the Chief Commissioner, sanctioned the proposal to constitute the Madras High Court as the High Court for Coorg, with effect from the date of retrocession, on payment of an annual contribution of Rs.2,000 for the time being to the Government of Madras. It was necessary in this connexion to extend the territorial jurisdiction of the Madras High Court under s. 230 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, so as to include the Province of Coorg. For this purpose it was necessary that the Coorg Legislature should pass an Act suitably amending, or preferably replacing, the Coorg Courts Regulation, 1901, and providing only for the subordinate Civil Courts of the Province. As the Coorg Courts Regulation, 1901 (I of 1901), had several times been amended in the past, it was decided to replace it by a fresh enactment, instead of amending it again, so as to facilitate easy reference, and No. II

is the outcome of this decision. With enactment of this Act, an Order was made by the Governor-General under s. 230 of the Government of India Act, as adapted, extending the jurisdiction of the Madras High Court to Coorg. The Act and the Order were then brought into force simultaneously with effect from April 1, 1948, which provides also for the disposal of cases pending before the Court of the Judicial Commissioner of Coorg.

Debt Conciliation.—There had been a considerable fall in the number of applications received by the Debt Conciliation Board established with effect from January 1, 1941, under the Debt Conciliation Act, 1940. The number of applications, which was 137 during the year 1941, had gradually come down, and the number of applications received during the year 1947 (up to end of November) was only 13. It was therefore found that there was no real necessity to continue the Board, except for the purpose of disposing of pending cases. As, however, the Board had jurisdiction to receive fresh applications, the Board was instructed on December 16, 1947, to advise intending applicants not to file fresh applications with effect from January 1, 1948, and if fresh applications were still filed to adjourn them *sine die* for want of time. The Board was also instructed that all cases pending at the end of November 1947, and any fresh applications that might be filed in December 1947, should be disposed of by June 30, 1948. For this purpose the Board was re-appointed up to June 30, 1948.

The object of No. III was to remove all doubts as to the validity of the course adopted by the Debt Conciliation Board in pursuance of the advice given to it by Government, by specifically authorizing Government to issue directions as detailed in s. 4A (1) of the Act. This Act has been framed on the lines of the Madras Debt Conciliation (Second Amendment) Act, 1943 (Act XXXI of 1943), and the Madras Debt Conciliation (Amendment) Act, 1946 (Act V of 1946).

8. MADRAS.

[*Contributed by* K. RAGHU RAMAIAH, ESQ., *Joint Secretary to Government*]

NUMBER OF ACTS—26.

Agriculturists—Relief.—Act XXIII amends the Madras Agriculturists Relief Act, 1938, to remove certain practical difficulties and defects which were noticed in the working of the Act. Before the Amending Act, persons who were assessed to profession tax on a half-yearly income of more than Rs.300 were not entitled to the benefits conferred on an "agriculturist," but the Amending Act raises this limit to Rs.600. The Amending Act also inserts certain special provisions in respect of usufructuary mortgages.

Civil Courts.—Act X provides for the appointment of a Subordinate Judge for the area comprised within the local limits of the jurisdiction of two or more District Courts. The Subordinate Judge will hold his Court in each of the districts for such period as may be fixed by the High Court, and try or dispose of such suits, appeals and other proceedings as may be transferred to him by the District Judge concerned.

Cotton—Ginning and Pressing.—Act XXV amends the Cotton Ginning and Pressing Factories Act, 1925, providing for the licensing of ginneries and presses, for the prevention of malpractices, such as watering, mixing different varieties of cotton, false packing and non-removal of foreign matter, or for penalizing the use of faulty scales and weights.

Cotton Transport.—Act XV raises the limit of the fine which can be imposed for contravention of the rules made under s. 7 (1) of the Cotton Transport Act, 1923.

Disturbances—Suppression.—Act III arms the Government with powers to suppress disorders with promptitude by making some of the offences under the Indian Penal Code punishable with death if committed in the course of disturbances. The provisions of the Act will come into operation only in areas notified by the Government to be disturbed areas.

Land Tenure.—Act XXVI effects a reform of a far-reaching nature relating to the system of land tenures in the Province of Madras by removing the class of intermediaries between the peasant and the State known as the " zamindars " governed by " the Permanent Settlement " according to which they were granted permanent rights to property in land in return for the payment of a fixed amount of land revenue to the Government. As the zamindars were oppressing their tenants in several ways, and as there was much rackrenting, the Government considered that the time had arrived for the repeal of the Permanent Settlement and for the acquisition of the rights of the zamindars in the " zamindari estates " on payment of equitable compensation. The Act accordingly provides for the acquisition on payment of compensation of the zamindari estates as well as certain other estates called " inam estates " and " under-tenure estates," where conditions similar to those in zamindari estates prevail.

Habitual Offenders.—Act VI deals with habitual offenders. The Act requires such offenders to intimate their addresses to the prescribed authority. It also empowers the Government to restrict their movements, and to place them in industrial, agricultural or reformatory settlements established for the purpose.

Home Guards.—Act I enables the Government to constitute a voluntary body called the " Home Guards " for use in emergencies for the protection of persons the security of property and the preservation of public order. When called out for training or to discharge any duty assigned to them, Home Guards will have the same powers, privileges and protection as Police Officers.

Irrigation.—Act XVIII makes it clear that the value of the land acquired for the construction of any irrigation work has to be determined for the purpose of payment of compensation with reference to the date of the publication of the declaration under s. 6 of the Land Acquisition Act, 1894, and not with reference to the date of the preliminary notification referred to in s. 4 (1) of the Land Acquisition Act.

Land Acquisition.—Act XXI makes the special procedure prescribed in s. 17 (2) of the Land Acquisition Act, 1894, applicable also to land required for the purpose of any library or educational institution, or for the construction, extension or improvement of any building or other structure in any village for the common use of the inhabitants of such village, or any godown for a co-operative society or any dwelling-house for the poor, or any well, irrigation tank, irrigation or drainage channel, or any road. The Act also makes it clear that the mere existence of trees or temporary structures such as huts or sheds on waste or arable land will not alter its character as such.

Libraries.—Act XXIV provides for the establishment of public libraries and the organization of a comprehensive rural and urban library service therein. A Provincial Library Committee will be constituted by the Government for the purpose of advising them on such matters relating to libraries as they may refer to it. Provision is also made for the constitution of Local Library Authorities, one for the City of Madras and one for each district. Such Authorities will have power to levy in their respective areas a library cess in the form of a surcharge on the property tax or house tax. A Director of Public Libraries will be appointed under the Act to superintend the libraries and the various Local Library Authorities, and to report to the Government annually about their working.

Police.—Act XIII removes two limitations which existed in the Police Act 1861. S. 15A (1) of the Police Act provided for the payment of compensation to persons who have suffered injury from riots or unlawful assemblies. The section however, applied only to areas previously notified by Government under s. 15 of the Act as being in a disturbed or dangerous state, etc. Secondly, compensation could be claimed only by an inhabitant of the disturbed area. Act XIII of 1948 removes these limitations.

Prohibition.—Act XII omits the words " by a railway administration " from s. 17 of the Madras Prohibition Act, 1937, and thereby extends the exemption from

the provisions of that Act conferred by that section, to all consignments of liquor or intoxicating drugs irrespective of their means of transport. The Act also exempts troops, medical and other staff attached to them from the provisions of the Prohibition Act.

Act XIX empowers the Provincial Government to levy an excise duty or countervailing duty similar to that levied under s. 17 of the Madras Akbari Act, in respect of liquor and intoxicating drugs permitted to be imported, exported, etc., under the provisions of the Madras Prohibition Act, 1937.

Property—Prohibition of Transfer.—Act XIV prohibits (except with the permission of the Government) the transfer of any land or building acquired for the purposes of any educational or other public institution with the aid of any grant from Government, and also directs that such land or building shall not be used except for the purposes of the institution or purposes similar thereto or be kept vacant. A transfer of such property will be permitted by the Government only if the transfer is in furtherance of the purposes of the institution or if some other valid reason exists. In the first case, only a proportionate part of the grant or of the current market value of the property will have to be refunded to the Government. In the second case, the entire grant or the entire current market value will have to be refunded.

Public Order.—Act XVII amends the Madras Maintenance of Public Order Act, 1947, some of the provisions of which were found inadequate. S. 4 of the Act provides for the punishment of persons harbouring or concealing persons ordered to be detained under s. 2 (1) (*a*) of the main Act, and of those who print or otherwise reproduce, sell, distribute, publish or publicly exhibit or keep for sale, distribution or publication, any document containing statements, etc., made by persons ordered to be detained. S. 5 prohibits the wearing or display in public of any dress, article of dress, etc., which may resemble any uniform or part of a uniform worn by the Military or Police. The wearing of any distinctive dress, emblem or token is also prohibited. The section also prohibits the possession of unlicensed arms in any disturbed area or the import into such area of arms without a valid licence. S. 6 makes it clear that the keeper of a press within the meaning of the Press and Registration of Books Act, 1867, is a printer within the meaning of s. 9 of the Madras Maintenance of Public Order Act, 1947. S. 7 provides for control over the movement of commodities from this Province. The Act also confers powers on the Government to requisition or acquire moveable property and to requisition immoveable property and provides for certain other minor matters.

Sericulture—Silkworm Diseases.—Act II makes provision for the prevention and eradication of silkworm diseases. Every silkworm rearer, seed rearer and seed producer is required to give information to the nearest officer authorized by the Sericultural Expert of the occurrence of any silkworm disease. The Sericultural Expert and Officers authorized by him may enter any land or building and inspect it if he suspects the existence of any silkworm disease, and take or cause to be taken necessary measures for the eradication of the disease.

Re-enactment and Repeal.—Acts VII, VIII and IX re-enact certain Acts made by the Governor under s. 93 of the Government of India Act, 1935, some with modifications and some without any modification, and repeal certain other Acts also made by the Governor as aforesaid.

Act V provides for the removal of doubts regarding the operation of certain enactments which were neither re-enacted nor repealed but were allowed to lapse on April 30, 1948.

Taxation : General Sales Tax.—Act XVI raises the rate of tax in regard to the sale of cotton yarn other than handspun yarn from one-fourth of 1 per cent. on the turnover to one-half of 1 per cent. on the turnover, as the tax is now levied only at one single point.

Motor Spirit Taxation.—Act XI amends s. 10 (*d*) of the Madras Sales of Motor

Spirit Taxation Act, 1939, so as to make the failure to pay the tax duly demanded under the Act an offence instead of the failure to pay the tax due under the Act, and also omits the provision relating to the imposition of a penalty for continuing breaches.

Tobacco Taxation.—Act IV suspends the operation of the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939 (Madras Act VIII of 1939), as amended by Madras Act IV of 1940, with power at any time to cancel such suspension and revive the operation of the Act as so amended.

Motor Vehicles.—Act XX amends the Motor Vehicles Act, 1939, so as to enable the Government to nationalize motor transport services in the Province. Under the Act, it will be open to the Government to cancel any permit or class of permits after giving three months' notice. The Act enables the Government to issue such orders and directions of a general character as they may consider necessary to the Provincial and Regional Transport Authorities in all matters relating to road transport services. Provision is also made in the Act for the appointment of a Provincial Transport Commissioner, and for entrusting either that Commissioner or any officer subordinate to him with the powers and functions conferred on any other authority by the Act. The Act enables the Regional Transport Authority to grant temporary permits in any circumstances which in its opinion justify the grant of such permits and provides for certain other matters incidental to the above provisions.

Weights and Measures.—Act XXII is intended to secure uniformity in the weights and measures in use in the various parts of this Province. The Act provides for the preparation of authenticated sets of recognized weights and measures for the purpose of testing the correctness of weights and measures, and also for the stamping of weights and measures and of weighing and measuring instruments. The use or possession of unstamped or incorrect weights is made an offence.

9. ORISSA.

[*Contributed by* C. C. Coari, Esq., *Secretary to Government.*]

During the year 1948 19 Acts were passed by the Provincial Legislature and 1 Ordinance was promulgated by the Governor. Besides these, 5 Regulations were made by the Governor under s. 92 (2) of the Government of India Act, 1935. The subjects on which legislation was undertaken during the year are broadly outlined thus:

Land Tenure.—The Agency Tracts Interest and Land Transfer (Amendment) Act, the Tenants Protection Act and the Tenancy (Amendment) Act, 1948, are the three important pieces of legislation under this head. They aim at giving protection and relief to the various classes of tenants, including members of hill tribes and villagers.

Local Self-government.—The Local Fund Audit Act was enacted in this Province to consolidate and unify the law relating to the audit of local funds in the Province of Orissa. Two Acts amending the Bihar and Orissa Village Administration Act, 1922, and the Madras Local Boards Act, 1920, were also passed.

Another important measure of local government is the Grama Panchayats Act. It aims at establishing and developing local self-government in the village communities of the Province of Orissa, and making better provision for their administration.

Social Legislations.—The keen popular demand for the removal of certain gross inequalities with respect to certain classes of Hindus who by custom were excluded from entry into temples and worshipping therein was satisfied by the passing of legislation in the shape of the Temple Entry Authorization Act, 1948. The Debt Bondage Abolition Regulation, 1948, is another social measure to control labour agreements.

Taxation and Revenue.—With a view to adding to the revenues of the Province of Orissa, the Madras Motor Vehicles Taxation, District Municipalities and Local Boards (Amendment) Act and the Bihar and Orissa Motor Vehicles Taxation (Amendment) Act, 1948, were enacted.

Public Safety.—To ensure maintenance of public peace and order, the Maintenance of Public Order Act was enacted in the Province.

Land Acquisition.—One important piece of legislation was enacted to provide for the speedy acquisition of land for the development of industries, irrigation, agriculture, capital construction and resettlement of displaced persons, etc.

Public Health.—An Act amending the Nurses and Midwives Registration Act, 1938, was passed to provide for the registration and better training of Nurses, Health Visitors and Midwives in the Province of Orissa.

Labour.—The Compulsory Labour Act, 1948, is intended to prevent danger or damage to person or property by flood, and promote certain works of irrigation in the Province of Orissa.

10. PUNJAB.

[*It is hoped to publish the review in the next issue.*]

11. UNITED PROVINCES.

[*Contributed by* M. CHANDRA, ESQ.]

A BRIEF Report of activities of the Legislative Department during the year 1948–9:

Legislature.—The year under review was a busy one, and was marked by the consideration and passing of many important legislative measures, as would appear from the large number of Acts (new as well as amending) passed, regulations made and ordinances promulgated during the year. The year is further marked by special significance as: (*a*) an official resolution was moved and adopted to the effect that an address be presented to His Excellency the Governor for the amalgamation of the High Court of Judicature at Allahabad and the Chief Court of Avadh, and (*b*) a resolution was adopted to congratulate the Government of India, the military officers concerned and the army in general for their successful police action in Hyderabad State.

Session of the Legislature.—During this year only one session of the United Provinces Legislative Assembly was held, and the Assembly met at Lucknow in the months of February, March, April, May, October and November. The total number of days occupied by these meetings was fifty-three. The first meeting commenced on February 16, 1948.

There were in all twenty-four meetings of the United Provinces Legislative Council during the year, and the most memorable of these was the one held on February 23, when most of the members present paid glowing tributes to the reverend father of the nation. The Council was prorogued twice, *i.e.* on April 9 and again on June 1.

The United Provinces Legislature passed forty Bills during the year under review.

Ordinance Promulgated by the Governor.—During the time when Legislature was not in session, the Governor (in exercise of powers conferred on him by s. 88 of the Government of India Act as adapted), on grounds of emergency, promulgated eleven Ordinances:

In order to provide relief measures in the partially excluded areas of the Dehra Dun District, the Governor (in exercise of the powers conferred on him by s. 92 (2) of the Government of India Act, 1935, as adapted), made two regulations.

One non-official Act relating to Homœopathic Treatment was moved and passed by the Legislature (The United Provinces Homœopathic Medicines Act 1948).

Changes in the Rules of the Council.—Amendment to the United Provinces Legislative Council Rules of Procedure and conduct of business was moved and referred to a select committee, and the committee's recommendations were accepted by the House with slight modifications.

Important Resolutions of the Legislatures.—The only official resolutions moved and passed by the Legislature related to the amalgamation of the High Court of Judicature at Allahabad and the Chief Court of Avadh.

Rules regulating the election, constitution and procedure of Standing Committees to advise the Ministers were adopted, and elections of members to various departmental standing Committees were held and twenty-two standing Committees were formed.

Five non-official resolutions were adopted by the Legislative Council relating to constitution of Standing Committees, evolution of a national dress for national and official occasions, and the future constitution of this Province being based on bicameral system of Legislature.

Election of Deputy-President of the Legislative Council.—Shri Chandra Bhal was the only candidate for Deputy-Presidentship of the Council. He was declared elected.

Expansion of Assembly Library.—The amount of grant for the Library for the year 1948–9 was fixed at Rs.30,000, but later during the year it was raised to Rs.60,000, with a view to make provision for its progressive development. During the year 3,847 books in English, 794 in Hindi and 15 in Urdu were received in the Library, besides 3,551 other publications. The Library stocks books of public interest, particularly relating to Constitutional, Financial, Political and Historical matters.

12. WEST BENGAL.

[*Contributed by* S. K. D. Gupte, Esq., *Secretary to Government.*]

Acts—38.

The year under review was a very busy one for the legislators of the Province, and was marked by the passing of many important legislative measures in the form of Acts and Ordinances, principal as well as amending. No less than 38 Acts as against 18 in the previous year and 12 Ordinances were passed in the year. Besides these Acts and Ordinances, a mass of statutory orders were incorporated in the subsidiary legislation of this Province.

A brief account of the Acts and Ordinances is given below. They are grouped alphabetically under different heads, arranged according to subject-matter for easy reference.

Advertisement.—Act XXIX prohibits the publication of advertisements relating to contraceptives and the medical treatment of certain diseases and disorders such as sexual disorders and venereal diseases.

Black Marketing.—Act XXXII provides a comprehensive definition of black marketing and for deterrent punishment, machinery for expeditious trial, extern ment, bond for good behaviour, special provisions regarding bail and burden of proof—all of which are necessary for uprooting the anti-social evil of black marketing.

Commodity Control.—Act XXVI was passed conferring powers on the Provincial Government, *inter alia*, to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal, as with the lapse of the Defence of India Rules, the control by the Central Government also lapsed.

Disabilities Removal.—Act XXXVII is an important piece of social legislation attempting to do away with certain age-long social disabilities from which some sections of Hindus were suffering. It was meant to foster a spirit of harmony among different castes by assuring equality of rights. Such a piece of legislation is a historical necessity and proves the dynamic theory of law.

Emergency Legislation.—Land (Requisition and Acquisition) Act, II, provides for a limited period for the requisition and speedy acquisition of land for the purpose of maintaining supplies and services essential to the life of the community and giving proper facilities for transport, communication, irrigation or drainage.

The Requisitioned Land (Continuance of Powers) Amendment Act, VI, extends the period of operation of the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947), for another period of two years. This Act remained in abeyance as the life of the Central Act XVII of 1947 was extended.

The Security 1948 Act, III, is a temporary measure providing for the maintenance of the public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety of the Province and for maintaining supplies and services essential to the life of the community. This Act was amended by the Security (Amendment) Act, XIX.

The Corporation of Calcutta (Temporary Supersession) Act, VIII, was enacted to supersede the Calcutta Corporation temporarily for bringing about certain reforms.

As a result of this Act, the Councillors and Aldermen of the Corporation became *functus officio*, and the three members of the Corporation on the Board of Trustees for the Improvement of Calcutta could no longer represent the Local Authority on the Board, and so the Calcutta Improvement (Amendment) Act, XXII, was passed to meet the situation.

The Corporation of Calcutta (Investigation) Act, XII, empowers the Provincial Government to constitute a commission for a thorough inquiry into the administration of finances of the Calcutta Corporation, which was found necessary for restoring the economic equilibrium of the institution.

The Electricity (Emergency Powers) Act, XVII, empowers the Provincial Government for a period of three years from the date of its commencement to control the supply, distribution, use and consumption of electrical energy in the Province of West Bengal as the electrical licensees in the Province are unable to meet the demand for supply of energy on account of deterioration of plant and want of materials.

The Bengal Non-agricultural Tenancy (Temporary Provisions) Amendment Act, XX, continues the provisions for the protection of non-agricultural tenants as embodied in the previous legislation on the subject.

The 24-Parganas District Board Dissolution (Temporary Provisions) Act, XXIII. In order to carry on the administration of the 24-Parganas District Board with a sufficient number of members representing all parts of the district, including the two police-stations newly added to the said district as a result of the award of the Boundary Commission, the Provincial Government took powers under the 24-Parganas District Board (Dissolution) Ordinance, 1948, to constitute the said District Board by the appointment of such number of members as it thought necessary for a period of two years pending reconstitution of the Board through the usual process of election after delimitation of constituencies.

The Special Benches (Continuance) Act, IV, provides for the continuance of the Special Benches constituted under the Bengal Criminal Law Amendment Ordinance, 1947, and for the disposal of cases pending before these Benches.

The Premises Rent Control (Temporary Provisions) Act, XXXVII, is a temporary measure making better provisions for the control of rents of premises in Calcutta and in certain other areas in West Bengal.

The Expiring Laws Act, V, provides for the further continuance in operation of

the provisions of certain Bengal Ordinances as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (Bengal Act I of 1947).

Forests.—Act XIV enables the Provincial Government to provide for the conservation of forests and for the afforestation of waste lands in West Bengal, as indiscriminate denudation of forests by tenants and private owners resulted in soil erosion on a considerable scale making large tracts bare and unproductive.

Hackney Carriages.—Act XXXVI amends the Calcutta Hackney Carriage Act 1919 (Bengal Act I of 1919), in order that some control may be exercised over the use of cycle-rickshaws, which do not come within the definition of "rickshaw" in the Calcutta Hackney-Carriage Act, 1919.

Industry and Labour.—Act XIII was enacted to prevent dismantling and removal of plants and machinery in factories on the part of the factory owners some of whom, on the partition of Bengal, contemplated to dismantle the factories and to remove the plants and machinery to places outside the Province, causing thereby dislocation, disruption and unemployment.

The Bengal Jute Regulation (West Bengal Amendment) Act, XVI, is a very important piece of legislation enacted for the purpose of meeting the situation in respect of jute arising on the partition of Bengal. Most of the jute-growing areas in the undivided Province of Bengal have gone over to East Bengal, with the result that the production of jute in West Bengal and in the other Provinces of the Indian Dominion can meet only a small fraction of the demand of the jute mills. As the Bengal Jute Regulation Act, 1940, made it difficult to increase the area for cultivation of jute, it was necessary to amend by this Act some of the provisions of the Bengal Jute Regulation Act, 1940, so that an increase in the production of jute might be effected.

The Raw Jute Futures Act, XXV, prohibits contracts relating to the sale and purchase of raw jute on a forward basis, thus continuing the provisions of the West Bengal Raw Jute Futures Ordinance, 1948.

The Maternity Benefit (Tea Estates) Act, XXXIII, is a very beneficial labour welfare measure regulating the employment of women in tea factories and plantations for certain periods before and after child-birth and providing for the payment of maternity benefit to them. S. 5 fixes the amount of maternity benefit and s. 6 provides for ante-natal and post-natal care of women.

Land Development.—Act XXI is a much-needed legislation enacted to provide for the acquisition of land for the settlement of refugees, establishment of satellite towns and model villages with facilities for business, commerce and industry, creation of better living conditions in the urban and rural areas, improvement of the conditions of agriculture, forestry and fishery and development of industries. By this Act the Provincial Government tries to cope with the difficult problem of refugees in West Bengal, which is causing immense expense and anxiety to the Provincial Government.

Land Revenue.—Act XXXI apportions and fixes the land revenue or rents and the cesses payable in respect of portions of land in West Bengal appertaining to estates which have partly fallen in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan.

Medical.—Act XVIII amends the Bengal Medical Act, 1914, for debarring the institutions situated in East Bengal (Pakistan) from electing any member to the West Bengal Council of Medical Registration.

Ministers.—Act IX fixes the salaries and allowances of the Ministers of West Bengal who decided to accept reduced scales of pay on the new set-up of the country.

Police.—Act XXXV amends the Calcutta Police Act, 1866 (Bengal Act IV of 1866), and the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), in order to prevent the use of unsuitable types of vehicle, such as cycle-rickshaws on the roads of Calcutta and its suburbs.

School Boards.—Act XXXIV proposes a formal amendment to the West Bengal District School Boards Act, 1947, by substituting the word " Nadia " for " Navadwip," as the district of " Navadwip " was renamed as the district of " Nadia."

The District Boards (Amendment) Act, XV, makes similar formal amendment to the West Bengal District Board Act, 1947 (Act III of 1947), as in the case of School Boards mentioned above.

Sheriff.—Act XXX seeks to reorganize, and provides for provincialization of, the office of the Sheriff of Calcutta, as the question of reorganization and provincialization had been under the consideration of the Provincial Government for a long time. Formerly the Sheriff of Calcutta and his establishment used to be remunerated out of fees realized in executing processes, etc., issued by the Original Side of the High Court, but the Act mainly provided for the remuneration of the Sheriff and his establishment out of the revenues of the Province and for the credit of the fees mentioned above to the Provincial revenues.

Statute Book.—Act VII is one of those periodical Acts repealing Acts which have become spent or otherwise unnecessary, and making amendments of a formal nature in certain enactments.

Tanks and Embankments.—Act XXIV purports to amend the Bengal Tanks Improvement Act, 1939, and repeals the Bengal Tanks Improvement (Amendment) Act, 1946, providing *inter alia* for taking possession of adjoining lands for the improvement of the tank.

The Bengal Embankment (Amendment) Act, XI, proposes to amend the Bengal Embankment Act, 1882 (Bengal Act II of 1882), so that Collectors may have power to have necessary repairs done to a private embankment where considered necessary without taking charge of its future maintenance, and recover the cost thereof from the people benefited by the work.

Taxation Measures.—Act I continues in force on a permanent basis the existing rate of taxation on sales of motor spirit, as such continuance of the higher rate was deemed necessary in the interest of revenue.

The Finance (Amendment and Repeal) Act, X, purports to continue in force for a further period of one year the existing rate of entertainments tax and electricity duty enacted by the Bengal Finance Act, 1945, a Governor's Act which was due to expire on March 31, 1948. It also purports to continue in force for another period of one year the existing rate of the totalisator and betting taxes levied by the Bengal Finance (No. II) Act, 1945, a Governor's Act due to expire on March 31, 1948. The Act also continued in force on a permanent basis the existing rate of sales tax enacted by the Bengal Finance (Sales Tax) Amendment Act, 1945, a Governor's Act due to lapse on April 24, 1948. The notable feature of this Act is that it repealed the Bengal Finance Act, 1939, which imposed a tax at the flat rate of Rs.30 per year on persons carrying on trade, profession or calling or engaged in employment and paying income-tax.

The Bengal Motor Spirit Sales Taxation (Amendment) Act, XXVII, empowers the Provincial Government to exempt from taxation under the Bengal Motor Spirit Sales Taxation Act, 1941, sales of motor spirit to Diplomatic and Consular Officers of such countries as may be specified by the Provincial Government.

The Bengal Excise (Amendment) Act, XXVIII, amends clause (18) of s. 2 of the Bengal Excise Act, 1909 (Act V of 1909), so that all clubs having transactions in liquor may be licensed. This measure has been adopted to give effect to the policy of prohibition.

Ordinances—12.

During the year under review 12 Ordinances were promulgated by the Governor in exercise of the power conferred by sub-section (1) of s. 88 of the Government of India Act, 1935.

Three Ordinances include: (1) the West Bengal Jute Industry Essential Stores

Control Ordinance, 1948 (No. VII), providing for the control of supply and distribution of essential stores for the jute industry as specified in the schedule to the Ordinance; (2) the Calcutta *Thika* Tenancy Ordinance, 1948 (No. XI), provides for the temporary stay of execution of certain decrees and orders for ejectment of *thika* tenants (*i.e.* tenants-at-will) in Calcutta; and (3) the West Bengal National Volunteer Force Ordinance, 1948 (No. XII), provided for the constitution of a National Volunteer Force in West Bengal. All the Ordinances are emergency measures promulgated by the Governor at a time when the West Bengal Legislature was not in session to meet the urgency of the situation created by the rapidly changing circumstances in the country.

Regulations—1.

In the year 1948 only one Regulation, namely, the Indian Tea Control (Amendment) Darjeeling District Regulation, 1948, was made by the Governor and assented to by the Governor-General under sub-section (2) of s. 92 of the Government of India Act for the application of the Indian Tea Control (Amendment) Act, 1948, to the Darjeeling district.

It will be apparent from the brief survey given above that the legislators of the country were busy in adapting the law of the land to the phenomenal changes in the society by primarily having recourse to economic, welfare and emergency measures some of which have only a local interest.

13. CEYLON.

[*Contributed by* S. Namasivayam, Esq., M.A., B.Litt. (Oxon.), *Assistant Legal Draftsman.*]

There were 29 Acts enacted during the year 1948, the majority of which consisted of amending legislation. The important Acts passed during that year are referred to in the following list:

Taxation.—With the termination of liability to Excess Profits Duty, it was necessary for the Government to find ways and means of filling in the gap in the revenue consequent upon the loss to revenue of this duty. The Profits Tax Act No. 5 therefore provides for the imposition and levy of a profits tax on surplus income derived from any business, profession or vocation.

Trade Unions.—Act No. 15 amends the Trade Unions Ordinance (c. 116) in order to make special provision relating to the registration of trade unions of public servants.

Commissions of Inquiry.—The powers vested in members of a Commission of Inquiry by the Commissions of Inquiry Ordinance (c. 276) have in recent times been found to be inadequate. Act No. 17 therefore replaces that Ordinance by a more comprehensive Act.

Citizenship.—Act No. 18 makes provision for citizenship of Ceylon, and repeals the Naturalization Ordinance (c. 243).

Parliamentary Elections.—Act No. 19 amends the Ceylon (Parliamentary Elections) Order in Council, 1946, in order to confer a right of appeal on questions of law from the determination of an election judge in an election petition inquiry.

Immigration and Emigration.—Act No. 20 controls the entry into Ceylon of persons other than citizens of Ceylon, regulates the departure from Ceylon of citizens and persons other than citizens, and makes provision for the removal from the Island of undesirable persons who are not citizens.

Rent Restriction.—Act No. 29 amends and consolidates the law relating to rent restriction.

14. MALAYAN UNION.

1947.

Mukim Registers.—The object of No. 3 is to replace the destroyed registers of land in the Mukims of Johore, Negri Sembilan, Perak and Selangor. It was amended by No. 37.

Legal Profession.—Previous legislation relating to advocates and solicitors is repealed by No. 4, which is a comprehensive ordinance dealing with the whole subject of admission and practice. It is amended by No. 19. Provision is made for Commissioners of Oaths by No. 46 and notaries public by No. 47.

Legal Aid.—The object of No. 5 is to make provision for the legal representation of members of the Forces in the inferior courts of the Union.

Businesses.—Provision is made for the registration of businesses by No. 7.

Tin Mining.—The object of No. 9 is to rehabilitate tin mining undertakings by providing loans to Chinese tin miners. It is amended by No. 30.

Census.—The machinery for taking a census is established by No. 10.

Societies.—Previous legislation relating to societies for any purpose of ten or more persons is repealed by No. 11 which covers the whole subject. One section allows the magistrate to refer to three specified books for the purposes of evidence including one dealing with "The Hung Society as the Society of Heaven and Earth."

Uniforms.—The wearing of uniforms signifying association with political organizations and the maintenance of associations of a military or similar character is prohibited by No. 14.

Street Collections.—The regulation of house to house and street collections is contained in No. 18 on lines familiar in Great Britain. It was amended by No. 35.

Industrial Rehabilitation.—An Industrial Rehabilitation Finance Board of which the title signifies the object is constituted by No. 20.

Workmen's Compensation.—Previous legislation is repealed by No. 23 which is a comprehensive measure dealing with compensation to workmen.

Women and Girls.—Increased punishments for abduction and criminal intimidation are authorized by No. 26 and additional protection for women and girls given by No. 27.

Supreme Court.—A rule committee is established by No. 29 for the purpose of regulating and prescribing practice and procedure in civil proceedings in the Supreme Court of the Malayan Union.

Children.—Another Ordinance repealing previous legislation is No. 33, now containing the law of the Union relating to children and young persons.

Post Office.—No. 34 is another consolidating ordinance containing the law relating to the Postal Department.

Juvenile Courts.—A comprehensive measure for the care and protection of children and young persons is contained in No. 38, which also provides for the establishment of juvenile courts.

Wages.—Provision is made by No. 41 for the establishment of wages councils and other arrangements for the regulation of remuneration and the conditions of employment.

Firearms.—The carrying of firearms is regulated by No. 42, which contains a comprehensive definition of the word used in this connexion and its "grammatical variations."

Income-tax.—The whole law on the subject of income-tax is contained in No. 48 repealing previous legislation.

15. MAURITIUS.

[*Contributed by* R. Espitalier Noel, Esq., *Acting Procureur-General.*]

Forty-nine Ordinances were passed by the Council of Government and assented to by the Governor during the year 1948.

The majority of these Ordinances deal with matters of domestic concern, o which the following are the more important.

The Sugar Industry.—No. 3 implements an agreement entered into by the Minis try of Food and the Mauritius Sugar Syndicate whereby, out of the total price paic by His Majesty's Government for the purchase of every hundredweight of Mauri tius sugars exported during the calendar year 1947 levies are to be effected by th Mauritius Sugar Syndicate for the establishment of Reserve Funds and for th payment into the Drought and Cyclone Insurance Fund of insurance premium du thereto.

The Ordinance further provides the necessary machinery for the administra tion and distribution of the Reserve Funds according to their appropriations an for the exemption from Poll Tax of the amounts levied.

No. 24 has implemented the decision of the Government to lend to the Suga Industry the sum of Rs.6,000,000 for rehabilitation of sugar factories and rolling stock.

The loans which are secured by mortgages in favour of the Government bea interest at the rate of 3 per cent. per annum, and are payable by annual instalment over a period not exceeding twenty years.

Legislative Council.—No. 9 was introduced as a result of the new constitutio granted to the Colony. It provides for the compilation of registers of person entitled to vote at elections of members of the Legislative Council, for the procedur to be followed in connexion with those elections, and the return of elected candidates for offences relating to the elections and the penalties for such offences.

No. 49 provides for the allowances to be paid to elected and nominated member of the Legislative Council of the Colony. Under the Ordinance the Vice-Presiden receives an annual allowance of Rs.7,200 and every elected or nominated membe an annual allowance of Rs.6,000.

Fisheries.—No. 7 consolidates and amends the laws by which fisheries wer regulated in the Colony.

The control of fisheries has been transferred from the Commissioner of Polic to the Director of Agriculture and control posts have been established, the per sonnel of which are intended to work in chain—like formation along the coas checking fishing activities.

Widows' and Orphans' Pension Fund.—No. 10 has brought the law governin the widows' and orphans' pensions in the Colony more into line with moder practice.

The main changes are as follows: (*a*) the rates of contributions have bee altered so as to simplify the computation of pensions, and the aggregate contribu tions which are paid under the new scale are slightly less than formerly; (*b*) th option hitherto given to married associates to make additional contributions suppressed; and (*c*) the pensionable age of male children is raised from 18 to 2 years, and provision is made for life-long pensions to mentally deficient children

Penicillin.—No. 11 was passed with a view to prevent the indiscriminate use penicillin and other anti-microbial organic substances produced by living orga isms; it regulates the sale and supply of those drugs.

Cyclone and Drought Insurance.—No. 19 was passed to make it possible, on occa ion arising, to decree a year to be a "drought year" or a "cyclone year" only regards specified areas of the Colony, and to make provision for the proper applic tion by the estate with factory, miller or planter, of payments made to it or him, the case may be, consequent upon the damage sustained through a drought cyclone.

Naval Volunteer Defence Force.—Nos. 20 and 44 were passed in accordance wi the provisions of the Colonial Naval Defence Act, 1931 (21 Geo. V, c. 9), for t purpose of enabling the Colony to set up a Naval Reserve Force, and to mainta and use vessels of war in conjunction with any other Colony or otherwise.

The Ordinance further provides for the conditions of service and rates of pay of officers and men who may be enlisted in the Force.

District Magistrates.—No. 21 has transferred to the ordinary Courts of criminal jurisdiction the powers which had, since 1947, been exercised by the Controller of Supplies, of revoking or suspending licences to trade.

The Courts are empowered, on convicting a trader for an offence against any enactment relating to the sale and distribution of supplies in the Colony, to cancel or suspend the licence or licences held by that trader; a right of appeal being provided against any decision of the Magistrates under the Ordinance.

Local Bodies.—No. 25 provides for grants to be annually voted by the Legislative Council in favour of the Municipality of Port Louis and the Boards set up in urban areas.

These grants will replace the various contributions which Government was hitherto bound by law to make to those bodies.

Recovery of Deceased Persons Debts.—No. 26 amends Art. 877 of the Civil Code, and lays down a simplified procedure for the recovery by the holder of an executory title of a debt which a person, since deceased, had incurred towards him.

Family Councils Abolition.—No. 27 gives effect to the recommendations of a committee appointed under the chairmanship of the Chief Justice to consider and report on the expediency or advisability of amending, *inter alia*, certain provisions of the law relating to minors.

Family councils, which hitherto advised on the appointment of guardians and sub-guardians to minors and interdicted persons and, on occasion arising, on the administration of their assets, have been abolished and their functions transferred to a judicial authority who shall be the Master and Registrar of the Supreme Court.

Muhammadan Waqf.—The object of No. 30 is to improve the existing law on waqfs in the light of experience gained in the application of that law.

The most important changes are as follows:

(*a*) A waqf is authorized to give to his male descendants double the share he gives to his female descendants.

(*b*) A husband who is married under the system of legal community of goods may, with his wife's concurrence, dedicate common property by way of waqf.

(*c*) The Supreme Court is given power to authorize mutawallis to borrow money or to sell or exchange waqf property when the declaration of waqf contains no express provision to that effect.

(*d*) The Board of Waqf Commissioners, or any person having an interest in a property made waqf, is authorized, with the sanction of the Court, to contract a loan without mortgage in respect of that property.

Sweepstakes and Bets.—No. 35 was passed for the purpose of raising revenue. It provides for the levying of a tax of 10 per cent.:

(*a*) On sweepstakes organized and conducted under the authority of the Mauritius Lotteries Ordinance, 1946 (No. 46 of 1946), and by the racing and yacht clubs enumerated in the Schedule to the Ordinance; and

(*b*) On all bets made on the occasion of, or in connexion with, race meetings or regattas held by those clubs.

Minimum penalties are provided for non-payment or evasion of tax.

Entertainments Duty.—No. 40 empowers the Municipal Corporation of Port Louis and the Township Boards to raise revenue by the imposition of a tax at a rate not exceeding 10 per cent. upon the amount of all payments for admission to entertainments held within the town of Port Louis and the Townships of Curepipe, Beau Basin and Rose Hill, and Quatre Bornes.

Certain entertainments are excluded from the operation of the Ordinance: these include, *inter alia*, entertainments held for charitable, philanthropic and educational purposes.

Rent Restrictions Ordinance.—By No. 41 permanent legislation has been introduced to replace the emergency legislation under which the control of rents was

exercised during the war, as it appeared that the difficult conditions created by the war with regard to housing were likely to last for some considerable time.

The main features of the Ordinance are the following: (*a*) it affords protection to tenants from possible extortion at the hands of rapacious landlords; (*b*) it ensures to landlords a fair and reasonable income derived from the letting of their properties; (*c*) it restricts the landlord's right of evicting a tenant within well-defined limits; (*d*) it makes provision for the compulsory letting of unoccupied property in certain cases; (*e*) it imposes restrictions on subletting.

16. SEYCHELLES.

[*Contributed by* E. B. Simmons, Esq., *Attorney-General.*]

1947.

Twenty-one Ordinances were passed, but the only one of any outside interest was the Barristers and Attorneys (Amendment) Ordinance. In Seychelles there are three branches to the legal profession: barristers, attorneys and notaries (the last existing by virtue of the currency of French civil law). The attorneys are in effect solicitors with full right of audience. This Ordinance made it necessary for them to serve articles locally and to pass local examinations.

1948.

Income-tax.—The law has been consolidated and amended in No. 1.

Public Officers Guarantee Fund.—The Ordinance (requiring certain officers to give security for the faithful performance of their duties) has been repealed by No. 2.

Employment Exchanges.—Simple legislative provision has been made for setting up Exchanges by No. 3.

Marriage.—Temporary jurisdiction in respect of war-time marriages has been conferred by No. 4 on the Supreme Court in cases where the husband was at the time of the marriage domiciled outside, and the wife immediately before the marriage domiciled inside, the Colony. But this does not apply if since marriage the parties have resided together in the country of the husband's domicile, a special interpretation being given to "country."

Fundamental changes have been made in the status of married women by No. 9. They have been given full legal capacity. Husbands are no longer liable for their wives' post-nuptial debts. The French system of community of property has been abolished.

The law as to matrimonial causes has been consolidated and fundamentally amended to bring it into line with English law by No. 41.

English Law.—The English law of domicile (No. 18), civil defamation (No. 5) and maritime law (No. 19) have been imported.

Police.—A Police Federation has been constituted by No. 20.

Diplomatic Privilege.—Diplomatic privileges may be extended to the personnel of any international organization of which the United Kingdom Government is a member by No. 21.

Quarantine.—The law as to quarantine has been consolidated and amended by No. 22.

Local Government.—Provision is made for the setting up of elected local government bodies by No. 23.

Vital Statistics.—Provision is made for the appointment of a Registrar-General by No. 32.

17. NORTH BORNEO.

[*It is hoped to publish the review in the next issue.*]

VIII. WEST AFRICA.

1. GAMBIA.

[*Contributed by* J. Pelly Murphy, Esq., *Attorney-General.*]

During the year 1948, 31 Ordinances were enacted. The following are those which call for special comment:

Motor Traffic.—No. 7, which follows the lines of similar legislation in the Gold Coast, replaces one enacted in 1918, which was out of date in present-day conditions. It provides for the control of motor traffic by licensing of vehicles and drivers; by the examination of vehicles; by creating driving offences and, in general, with its ancillary Regulations (No. 14), creates a highway code.

Protectorate Lands.—No. 9 was passed to enable Native Authorities to grant leases of Protectorate lands for terms up to fifty years (renewable for a further fifty years). The previous limit was twenty-one years, and it was considered that commercial firms would be discouraged from acquiring land for large-scale enterprises when leases could only be made for such short terms.

Harbour Dues.—No. 10 was enacted to enable harbour dues to be levied on all cargo landed and loaded in the Colony and Protectorate. The Schedule sets forth the scale of dues.

Navigation and Pilotage.—No. 11 makes it an offence to board a vessel without permission. It is designed to enable the Courts to deal effectively with the increasing number of youths who attempt to stow-away.

Protectorate Licences.—No. 18 replaces the Protectorate Licences Ordinance, 1932, which required amendment in many minor respects. Businesses for which licences are required have been defined, and provision is made for the fees to be paid into the appropriate Native Treasury. The power to refuse or revoke a licence is made absolute (subject to a right of appeal to the Governor) to give the Native Authorities greater control over the activities of traders. Power is given to the Governor-in-Council to make regulations for the control of prices and distribution of consumer goods. The Schedule sets forth the fees payable for the various licences.

Fire Brigade.—No. 19 gives statutory authority for the continuance in being of the fire brigade, which was established under the provisions of the Defence Regulations.

Bills of Sale.—No. 21 provides for the compulsory registration of bills of sale, and is similar in terms to such legislation elsewhere in the Empire.

Income-tax.—The object of No. 26 is the re-enactment and consolidation of the existing law relating to income-tax. It is based upon the Gold Coast Income-tax Ordinance, 1943 (as amended up to date), and is designed to be similar in terms to similar legislation throughout British West Africa.

Motor Vehicles.—No. 28 provides that the users of motor vehicles must either be insured against third party risks or give sufficient security to meet liabilities arising from motor accidents involving third parties.

Oilseeds Marketing Board.—No. 29 has as its object the control of the marketing and export of oilseeds (particularly groundnuts) in the interests of producers in the Gambia. This control has recently been exercised by the West African Oil and Oilseeds Board in the United Kingdom, but the Ordinance transfers responsibility for such control to a Marketing Board in the Gambia, upon which Board the producers will be represented. Under the provisions of this Ordinance, no oilseeds (except those for use or consumption within the Gambia) may be purchased by any person except the Board, buying agents licensed by the Board or traders appointed by the buying agents. The Board will fix prices, thus preventing violent fluctuation, upwards or downwards, and so assure a measure of security to producers.

In addition to the Ordinances above mentioned the following subsidiary legislation made during the year calls for comment:

The Legislative Council (Electoral) Regulations, No. 5 of 1948, provide the machinery for elections to the Legislative Council, and replace the Regulations made in 1947, which were in many respects defective.

The Aerated Water Factory Regulations, No. 8 of 1948, provide for the supervision of factories which manufacture aerated waters in the Colony. Minimum standards of hygiene are laid down and penalties prescribed for failure to conform thereto.

The Colony Lands Regulations, No. 15 of 1948, provide that licences must be obtained for such acts as cutting timber, quarrying, depasturing cattle, etc., on Colony lands. Fees for such licences are payable at rates set forth in the Schedule.

The Protectorate Lands Regulations, No. 19 of 1948, prohibit such acts as cutting timber (except firewood for household use), quarrying, depasturing of cattle, etc., on Protectorate lands without permits issued by the Native Authorities.

2. GOLD COAST.

[*Contributed by* KENNETH EWART, ESQ.]

DURING the year 1948, 30 Ordinances were enacted, of which 17 were amending Ordinances. The following deserve special mention:

Education.—The University College of the Gold Coast Ordinance (No. 6); the Achimota School Ordinance (No. 7); the Achimota Teacher Training College Ordinance (No. 8). The first of these Ordinances establishes the University College, which will be in special relationship with the University of London until such time as its development justifies the grant of full University status. The other two Ordinances establish as autonomous institutions the Achimota School and Teacher Training College into which the Prince of Wales College and School had gradually evolved.

Labour.—No. 16 consolidates and brings up to date the law relating to labour.

Gold Duty.—No. 18 imposes a duty on gold won calculated on a new and more equitable basis.

Local Government.—The Accra Town Council (Amendment) Ordinance (No. 20); the Cape Coast Town Council (Amendment) Ordinance (No. 21); the Sekondi-Takoradi Town Council (Amendment) Ordinance (No. 22 of 1948). These three amending Ordinances provide for the preparation and deposit of supplementary Valuation Lists.

Medical Practitioners and Dentists.—No. 25 provides a new and more satisfactory machinery for disciplinary proceedings, and brings the local practice into line with that followed in the United Kingdom.

Agricultural Development.—No. 27 establishes an Agricultural Development Corporation whose activities will be independent of, but complementary to, those of the Industrial Development Corporation, which was established by Ordinance in 1947.

3. NIGERIA.

[*Contributed by* LIONEL BRETT, ESQ., *Crown Counsel.*]

THIRTY-NINE Ordinances were enacted, of which 31 were amending Ordinances.

Agriculture.—The Agriculture Ordinance (No. 37) is to a great extent a consolidating Ordinance, incorporating a number of provisions which were previously to be found repeated in every set of regulations dealing with a particular article o produce, and which were more suitable for enactment in an Ordinance than ir

subsidiary legislation. It contains, however, one important innovation: the power to make regulations dealing with the control of diseases and pests, the improvement of agricultural produce, soil conservation, and the marketing and grading of produce for export is vested in a Board of Agriculture consisting of four official members and nine unofficial members, of whom eight are nominated by the unofficial members of the Regional Houses. Regulations so made are to be laid on the tables of the Regional Houses, and of the Legislative Council, at their next meetings after the enactment of the regulations, and may be approved, amended or revoked by the Legislative Council. This is the first subject on which the power to make subsidiary legislation affecting the country as a whole has been vested in a body with an unofficial majority.

Chieftaincy Disputes.—The Chieftaincy Disputes (Preclusion of Courts) Ordinance (No. 30) provides that the Courts administering a law based on English law (that is to say, the Magistrates' Courts, the Supreme Court and the West African Court of Appeal) shall have no jurisdiction to entertain any civil cause or matter instituted for the determination of any question relating to the selection, appointment, installation, deposition or abdication of a chief, or the recovery or delivering up of any property connected with these matters. The Ordinance is to apply initially only to the Western Provinces, and may be applied to the Northern Provinces by the Governor on a resolution adopting it being passed by the House of Chiefs and the Northern House of Assembly, or to the Colony at the request of a majority of the Native Authorities in the Colony.

Education.—The Education Ordinance (No. 39) establishes a Central Board of Education and Regional Boards of Education for the three Regions and the Colony, all with unofficial majorities, with the general functions of advising the Governor or the Chief Commissioner, as the case may be, on matters affecting education. New schools may only be opened with the consent of the Regional Deputy-Director of Education, and an appeal against his refusal of consent lies to the Regional Board, in which the power of closing schools, on any of the grounds laid down in the Ordinance, is also vested. The Ordinance, and the Regulations which appear as a Schedule to the Ordinance, also provide for the inspection of schools, and for grants-in-aid.

Higher Education.—The University College, Ibadan (Provisional Council), Ordinance (No. 25), as its title implies, establishes a provisional council for the newly formed University College at Ibadan. The council is to consist of the Principal of the University College and eight other members, of whom the Governor, the Unofficial Members of the Legislative Council, the Inter-University Council for Higher Education in the Colonies, and the Academic Board are to nominate or elect two each. The Ordinance also establishes an Academic Board, to be responsible for the advancement of research and the teaching and academic policy.

Local Government.—Three Ordinances are designed to put the finances of Local Authorities and Native Authorities on a more firm statutory basis. Hitherto revenue collected under the Direct Taxation Ordinance, 1940, has been divided between Government and the Local or Native Authorities in proportions decided from time to time by the Governor.

The Direct Taxation (Amendment) Ordinance (No. 2) provides for a *per capita* payment to central revenues by the Local and Native Authorities, in whom the balance of revenue collected under the Ordinance then vests. The *per capita* payments vary in different parts of the country between 3*d*. and 2*s*. 4*d*. per adult male tax-payer, and are laid down in a Schedule to the Ordinance, which may be varied by the Governor in Council, after taking into consideration the advice of the Regional House or Houses of the Region concerned.

The Townships (Amendment) Ordinance (No. 3) adds moneys so derived to the list of the declared revenues of a township.

The Native Authority (Amendment) Ordinance (No. 4) declares what are the revenues and funds of Native Authorities, and provides for the management and

regulation of their finances, and for the submission of annual estimates for the approval of the Chief Commissioner.

The Port Harcourt Township Ordinance (No. 38) provides for an elected town council for Port Harcourt, and empowers the council to levy rates. This is the first elected town council in Nigeria outside Lagos.

Native Courts.—The Native Courts Ordinance (No. 36), which is to remain in force only until October 1, 1951, unless extended, provides for three matters as to which a recent judgment of the West African Court of Appeal had drawn attention to difficulties in the existing law. S. 3 provides that where an act or omission constitutes an offence both against native law and custom and against the Criminal Code, or any other enactment, a Native Court may try the case in accordance with native law and custom. S. 4 lays down the powers of Appellate Courts or other authorities, which now include the power to substitute any decision which the Court of First Instance could have found on the facts disclosed by the evidence, and which may be exercised even if the verdict of the Court of First Instance was correct according to native law and custom. This power will be of special importance in homicide cases tried by Courts administering Moslem Law, where the distinction between a capital offence and one which is not capital is not the same as under the Criminal Code. S. 5 is designed to deal mainly with the same question, though its provisions may be invoked by the Attorney-General in any criminal case. After a trial in a Native Court for homicide, a record of the proceedings is to be sent to the Supreme Court Judge of the Division in which the Native Court is situated, and he may either confirm the decision of the Court of First Instance, or, if he is satisfied that by reason of the application to the case of native law and custom the decision is not satisfactory, having regard to the provisions of the Criminal Code, either acquit a convicted person, or direct a retrial before the Supreme Court, or substitute a verdict of manslaughter for one of capital homicide or substitute a special finding of guilty but insane.

4. SIERRA LEONE.

[*Contributed by* The Solicitor-General.]

1947.

In 1947, exclusive of two Appropriation Ordinances, 36 Ordinances were passed by the Legislative Council of which 5 were original and 31 were amending Ordinances.

Among the original Ordinances:

Diplomatic Privileges.—No. 5 enables the Governor-in-Council to confer on any organization and its officials the privileges and immunities particularly in regard to legal process, taxation, customs and travelling facilities which are normally accorded to members of the Diplomatic Corps. While the Ordinance is worded generally, its immediate object is to confer those privileges and immunities on the United Nations Organization and its officials.

Registration of Employees.—No. 8 provides for the registration of persons gainfully employed or normally seeking livelihood by gainful employment, and that persons seeking employment in the Colony or in any area of the Protectorate to which this Ordinance may be applied shall register before obtaining employment. Employers who employ six or more employees have to render monthly returns to the Commissioner of Labour. Employees in receipt of remuneration at a rate exceeding £200 per annum, as well as certain persons or classes of persons who may be declared by the Governor to be exempt, are exempted from the provisions of this Ordinance.

Registration in Hotels.—No. 11 provides that persons other than those who were born in Sierra Leone, or are members of a tribe or tribes indigenous to any part of West Africa, shall be registered when staying in hotels or lodging-houses in the

Colony. The duty of keeping the register is laid upon the keeper of the hotel or lodging-house, and the object of the Ordinance is to enable the Police to keep a record of the movement of persons who are not indigenous to Sierra Leone or West Africa. This Ordinance perpetuates an Order which was made under the Defence Regulations, 1941. At present it applies only to the Freetown Police District.

Radio-active Minerals.—No. 27 applies to both the Colony and Protectorate, and its object is to provide for the control of exploitation of radio-active minerals. This follows similar legislation which has been or is being enacted in other Colonies to secure uniform procedure throughout Colonial territories.

Of the amending Ordinances, the following are worthy of note:

Income-tax.—No. 1 makes provision whereby the Governor-in-Council may enter into arrangements with the United Kingdom or other parts of the Empire to relieve from the effects of double taxation income which is liable to tax in both Sierra Leone and the other country which may be a party to the arrangement.

No. 22 provides some relief from taxation to Companies incorporated in Sierra Leone during the first five years after their formation.

Wages Board.—No. 15 ensures that terms and conditions of employment agreed upon by Joint Industrial Councils in relation to any worker or group of workers shall be observed by all employers of such workers. This follows the principle obtaining in the United Kingdom, and is based on the United Kingdom Wages Councils Act, 1945.

Motor Traffic.—No. 17 makes provision for the setting up of a Colony Transport Board whose functions will be to determine what vehicles may be registered as passenger or goods-carrying vehicles, to whom licences for such vehicles should be granted, and whether such licences should be granted or whether such licences should be renewed or suspended. The Board will also act as an advisory Board in relation to road transport in the Colony.

Labour.—No. 32 gives effect to certain recommendations of the International Labour Conference relating to the employment of young persons.

1948.

In 1948, exclusive of two Appropriation Ordinances, 21 Ordinances were passed by the Legislative Council, of which 6 were original and 15 were amending Ordinances. Among the original Ordinances:

Customs.—No. 1 assimilates the Customs law and practice to what already obtains in Nigeria and the Gold Coast, and provides a simplified procedure for dealing with smuggling and other Customs offences.

Police.—No. 3 provides for the regulation of the Police Force in the light of changed conditions in the territory, and enables the Force to extend its operations to the Protectorate.

Freetown Fire Prevention Measures.—No. 9, which replaces an Ordinance of the same title, creates the City Council of Freetown as the Fire Authority for that city, and imposes upon it the obligation of maintaining a permanent fire force. The Force can be used outside the city limits, if required. The Commander of the Fire Force is given certain powers to prevent the improper storage of inflammable material, and the duties and powers of the Police Force in the case of an outbreak of fire are more specifically set out.

Births and Deaths Registration.—No. 14 makes it possible for the Governor to make the registration of births and deaths compulsory in any Chiefdom. The registration would be controlled by the Tribal Authorities of the Chiefdom, and the revenue accruing from registration will be paid into the Chiefdom treasury. Compulsory registration would only be instituted in any Chiefdom at the request of the local Tribal Authority, but provision is also made for voluntary registration throughout the Protectorate. Such voluntary registration comes under the control of the local District Commissioner.

Revised Edition of the Laws.—No. 19 provides the necessary powers for preparing and publishing a Supplement to the Laws from January 1, 1946, to December 31, 1948, so that laws passed between those dates could be co-ordinated with the Revised Edition of the Laws dated January 1, 1946, which did not actually come into force until October 1948.

Of the amending Ordinances, the following are worthy of note:

Customs Tariff.—An Amending Ordinance substitutes new provisions with regard to ascertaining the payment of duties so as to bring Sierra Leone into line with that of Nigeria and the Gold Coast.

Freetown Municipality.—No. 4 amends the Freetown Municipality Ordinance, 1945. This Ordinance now assures the precedence of the Mayor in the city and provides for an allowance to that functionary. It repeals a sub-section in the Principal Ordinance which provided that the city estimates must go to the Governor for approval, and it also lays down the procedure to be followed before the Governor-in-Council can appoint a Committee of Management to take over the duties of the City Council in the event of their failing to carry out their duties themselves.

Electric Light and Power.—No. 18 extends the provisions of the Principal Ordinance to the Protectorate, and provides that the powers conferred thereunder are not to be exercised on land habitually used for sacred or ceremonial purposes.

Wild Animals, Birds and Fish Preservation.—No. 22 restricts the export of wild animals from Sierra Leone, except under licence to which conditions may be attached under rules, and forbids the possession in captivity of more than six wild animals unless the owner is the possessor of a licence to export.

IX. EAST AFRICA.

1. KENYA.

[*It is hoped to publish the review in the next issue.*]

2. NYASALAND.

[*Contributed by* E. J. E. Law, Esq., *Acting Attorney-General.*]

1947.

Thirty-three Ordinances were enacted in 1947, the more important measures being:

Excise Duties.—No. 1 imposes an excise duty on manufactured tobacco, cigarettes and cigars produced in the Protectorate.

Customs.—No. 2 charges a surtax, corresponding to the Excise Duty, on all imported tobacco.

Native Courts.—No. 17 provides *inter alia* for the appointment of Native Courts Advisers to assist and supervise the working of the system of Native Courts. This Ordinance has not yet been brought into operation.

Printed Publications.—No. 18 requires all locally published books and newspapers to bear the name and address of the printer and publisher, and the delivery, free of charge, of a copy of every local publication to the Chief Archivist.

Radio-active Minerals Ordinance.—No. 25 imposes strict control over the prospecting for and mining of minerals having radio-active properties.

Divorce.—No. 32 introduces in the legislation of the Protectorate the main features of the Matrimonial Causes Act, 1947, of the United Kingdom.

1948.

In 1948 the number of Ordinances enacted was 41, the most important being:

Immigration.—No. 4 introduces a stricter degree of control over immigration into the Protectorate.

Inquests.—No. 9 lays down the procedure to be followed by coroners when inquiring into violent or unnatural deaths.

Public Health.—No. 12 consolidates into a modern and comprehensive enactment the law relating to public health.

Mental Treatment.—No. 14 makes provision for establishment and control of mental hospitals, and for the committal and treatment of mentally infirm persons and for the administration of their property.

Post Office.—No. 16 repeals the former Ordinance dating from 1916, and replaces it by a more modern and suitable enactment.

Public Land Acquisition.—No. 19 lays down the procedure for the compulsory acquisition of land by Government for public purposes; or by companies for purposes of a public nature, such as railways and public utilities.

Town and Country Planning.—No. 30 provides for the declaration of Planning Areas and the appointment of Planning Committees, and defines the powers and duties of such Committees.

Emergency Regulations.—No. 35 empowers the Governor-in-Council to make regulations in the public interest covering a wide range of subjects should an emergency or public danger arise.

3. BRITISH SOMALILAND.

[*Contributed by* D. C. JACKSON, ESQ., *Legal Secretary.*]

TWENTY-TWO Ordinances were enacted in 1948.

Finger-prints.—No. 2 is based on similar legislation in some of the East African Dependencies and establishes a Finger-print Bureau in the Protectorate.

Unlawful Associations.—No. 5 enables the Governor to suppress any association which interferes with the administration of law or the maintenance of law and order or constitutes a danger to public peace.

Education.—No. 8 brings secular education in the Protectorate under the control of the Director of Education.

Prostitutes.—No. 9 was intended to reduce the incidence of venereal diseases in the Protectorate by controlling prostitutes. It has since been repealed.

Administration of Criminal Justice.—No. 15 enables a District Court of the First Class to impose in a warrant case a maximum of four years' imprisonment, subject to confirmation by the Protectorate Court, of any sentence exceeding two years' imprisonment.

Unsettled Areas.—No. 16 is intended to give the Governor power to declare any area within the Protectorate to be an unsettled area and to provide wide measures for the establishment, maintenance and restoration of order in any such area. The tribal feuds which form so large a part of the life of the nomadic people, and the sudden clashes which must from time to time inevitably occur in a country where grazing is poor and water scarce may, if not capable of being rapidly suppressed by firm and energetic measures beyond the scope of normal administration, cause much bloodshed and loss of life and stock.

Public Order.—No. 17 is intended to confer upon the Governor power to prohibit the wearing or display in a public place of any distinctive dress or article of apparel or emblem likely to cause a disturbance of public order or tranquillity or to promote disaffection, and also for similar reasons to prohibit processions and meetings.

Indemnity.—No. 19 marks the end of the British Military Administration of the Protectorate, and is intended to indemnify the Military Administration for acts done by its servants during its tenure.

4. TANGANYIKA TERRITORY.

[*Contributed by* F. SOUTHWORTH, ESQ., *Crown Counsel.*]

SIXTY-NINE Ordinances were enacted in 1948. The principal enactments are as follows:

Census.—No. 1 makes provision for the taking of a census from time to time, and authorizes the Governor to direct the taking of a census of the inhabitants of the Territory or any part thereof, or of any class of such inhabitants, whenever he shall consider it necessary to do so.

National Parks.—No. 7 provides for the establishment and control of National Parks and for the preservation of wild animal life, wild vegetation and objects of geological, prehistoric, archæological, historical and scientific interest therein. National parks when established will be vested in a Board of Trustees, who will be given adequate powers to control and develop the National Parks of the Territory.

Industrial Licensing.—No. 12 introduces a measure of control designed to encourage existing and foster new industries. It is proposed that control shall be on an East African basis ; Uganda has already enacted similar legislation, and Kenya is about to do so.

General Loan and Stock.—No. 21 declares the terms and conditions applicable to loans authorized to be raised in England by the Government of Tanganyika, and also provides for the creation of Tanganyika stock and enables Tanganyika to take advantage of the (Imperial) Colonial Stock Act, 1877, and subsequent Acts on the same subject. The effect will be to enable Tanganyika stock to be quoted among the gilt-edged securities on the London Stock Exchange.

Trustee Investment.—No. 22 satisfies certain of the conditions laid down in the (Imperial) Colonial Stock Act, 1900, and enables Tanganyika stock to qualify as a security in which a trustee may invest trust monies.

Water.—No. 23 is intended to repeal and replace the existing law regulating the use of natural water, and to provide a more effective control and a more economic distribution of natural water than is possible under the pre-existing law.

German Property.—No. 24 makes general provision for the realization of German property and for the distribution of the proceeds thereof.

Natural Resources.—No. 30 has as its purpose the conservation and improvement of the natural resources of the Territory, and provides for the constitution of a Natural Resources Board, which will exercise general supervision over natural resources.

Livestock Control.—No. 32 is designed to control the production, distribution and marketing of livestock in the Territory. The power to control livestock is vested in a Livestock Board, which comprises both official and unofficial members.

Aerodromes.—No. 33 provides for the control and removal of obstructions on land adjacent to and in the vicinity of aerodromes, with a view to improving and protecting the air approaches. Provision is also included for the payment of compensation for damages suffered in compliance with the provisions of the Ordinance, and for depreciation in the value of land by reason of its inclusion in an area which is subject to control.

Auxiliary Police.—No. 42 is designed to meet the special problems in connexion with the policing of the Territory by providing for the establishment of an Auxiliary Police Force which will assist the Tanganyika Police Force in maintaining order and protecting property in special areas which hitherto have been thinly populated but are now being developed.

Workmen's Compensation.—No. 43 makes provision for the payment to workmen of compensation for injuries suffered in the course of their employment. The provisions of the Ordinance apply not only to injuries resulting from accident but also to injuries arising from certain occupational diseases. The Ordinance authorizes the Governor-in-Council to require (by Order published in the *Gazette*) any employer or class of employers to insure in respect of liability for workmen's compensation.

Non-native Education.—No. 45 provides for the development and regulation of non-native education. The provisions include the establishment of appropriate authorities to control non-native education and of funds to be managed and con-

olled by these authorities, the registration of all non-native schools and teachers nd the regular inspection of all non-native schools.

Labour Supply Corporation.—No. 47 is an Ordinance to establish a corporation o recruit and supply labour, and for purposes incidental and supplemental thereto, nd accordingly provides for the setting up of one organization which alone will be esponsible for the recruitment of labour and for the distribution of recruited labour mong the various industries and employers.

Non-native Education Tax.—No. 52 makes provision for the levy of a tax called he Non-native Education Tax for the purpose of financing non-native education.

Hides and Skins Trade.—No. 60 authorizes the imposition, for the benefit of the ides and skins trade, of a cess on hides and skins exported from the Territory.

Legislation.—No. 62 provides for the extension of certain provisions of Tanganikan law to the East Africa High Commission which is not included within the eaning of the expression " Government " where that expression occurs in the gislation of Tanganyika although the High Commission now discharges many nctions formerly carried out by the Government of Tanganyika.

5. UGANDA PROTECTORATE.

[*Contributed by* THE SOLICITOR-GENERAL.]

DURING the year 1948 29 Ordinances were passed, of which 23 were amending rdinances. The following are the more important enactments:

Game.—No. 22 makes the following important changes in the existing law:

(*a*) A new special licence for a single elephant. In the past elephant licences ad to be purchased initially for two elephants.

(*b*) Same rate of licence fees irrespective of race. In the past Africans paid sser fees for special licences.

(*c*) Increase in the licence fees for special licences in view of the increased market rice of ivory and other game trophies.

Bankruptcy.—No. 5 was enacted after a conference of the Official Receivers of he East African Territories, and brings the law in line with the neighbouring territories. The following are the main provisions of this Ordinance:

(*a*) Postponement of the payments of creditors who are relatives of the bankupt until the claims of other creditors for valuable consideration have been paid.

(*b*) Making of the receiving order only after full disclosure of the debtor's ffairs and not as of right on a debtor's petition, as was the case in the past.

(*c*) Imposing a duty on the bankrupt to apply for his discharge within a time pecified by the Court. It is considered necessary that all bankruptcies should be eviewed by the Court within a limited period, and so prevent bankrupts from disppearing as soon as their public examinations have been completed.

(*d*) Placing a labourer or a workman in the same position as a clerk or servant s regards priority of claim for sums due in respect of wages, and increasing the rotection of a labourer or workman who is a native.

(*e*) Extension of time limit from twelve months to two years for which a ankrupt may be charged for offences committed by him during that period.

Town and Country Planning.—No. 15 makes provision for the orderly and progressive development of land, towns and other areas, whether urban or rural, and or the preservation and improvement of the amenities thereof. The Ordinance stablishes a Town and Country Planning Board, as a body corporate, entrusted ith the various functions with regard to planning areas. Planning areas are eclared by the Governor-in-Council after representations to that effect have been ade by the Board after consultation with the Local Authorities concerned. As oon as a planning area has been declared by the Governor-in-Council, no person hall within that area carry out any development of land or any construction,

demolition or alteration until a final scheme of development for the said area has been approved, except in cases where permission to the contrary is given by the Board, subject to such conditions as the Board may deem fit to impose. The order declaring a Planning Area shall cease to have effect if within three years of its publication no scheme is approved in respect of the said area or any part thereof. The Ordinance empowers the Board to acquire land, by agreement or by acquisition, for carrying into effect the provisions of any scheme approved for any particular planning area. The Ordinance also provides for the payment of compensation to those injuriously affected by any scheme, as well as for the recovery of a betterment value from persons whose property has increased in value as a result of any scheme. Such betterment value shall be such percentage of the increased value as the Governor-in-Council may decide. Provision is also made for appeals to the High Court in respect of any disputes arising from the provisions of the Ordinance with regard to compensation or betterment value.

Diplomatic Privileges.—No. 10 makes provisions as to the diplomatic privileges and immunities to be accorded to the members of the United Nations Organization.

Criminal Procedure.—No. 11 amends the principal Ordinance so as to allow the Courts to release offenders on probation under the supervision of a probation officer or other suitable person. This Ordinance is not intended to be a final measure, but it will enable the Courts and the probation officers to gain experience in the working of probation in the Protectorate. With the experience thus gained, a more comprehensive measure is contemplated in due course.

Press Censorship.—No. 13 gives the Governor adequate powers to correct false or distorted statements which appear in the press. Publication of such statements is not made an offence, and there is no penal sanction under this Ordinance unless the proprietor of a newspaper publishing such a statement neglects or refuses to publish a correcting statement. The Ordinance adequately guards the freedom of the press by providing that if the Court is satisfied that either there was no original falsehood or distortion or that the correcting statement does not comply with certain specified provisions of the Ordinance, then it must dismiss a charge for not publishing the correcting statement.

Police.—No. 16 makes provision for the control of assemblies in areas (to be declared by the Governor as " gazetted areas ") where a large assembly might in certain circumstances constitute a threat to life and property. Assemblies of 500 persons or less are not affected by the Ordinance, and provision is made for the granting of conditional permits for assemblies of more than 500 persons. Sports and games meetings, official, social and religious meetings or meetings held wholly within a building are exempted from the provisions of the Ordinance.

Tsetse Fly Control.—No. 18 confers powers on the Governor and the Director of Tsetse Control for the extermination of the fly and the control of the movement and inspection of persons, animals and vehicles from one area to another to prevent the spread of the fly. Provision is made for the payment of compensation to persons who suffer loss as a result of measures taken for the extermination or prevention of the spread of the fly.

Industrial Licences.—No. 29 amends the principal Ordinance so as to provide that appeals against the refusal to issue a licence or against an order cancelling a licence shall lie to an Appeals Tribunal instead of the East Africa High Commission as in the past. This amendment brings the law in line with the neighbouring territories.

6. ZANZIBAR.

[*Contributed by* A. McKisack, Esq., *Attorney-General.*]

During the year 1948 34 Decrees were enacted, and the following are the more important subjects with which they dealt:

Animal Diseases.—No. 22 replaces the previous law on this subject with a com-

prehensive measure designed to provide all the necessary powers and machinery for the detection, control and prevention of disease among animals.

Civil Procedure.—No. 26 introduced reforms in the law relating to the imprisonment of a party to civil proceedings. Imprisonment as a mode of enforcing a decree for the restitution of conjugal rights is abolished. Decrees for the payment of money are now enforceable by imprisonment only to the extent to which they can be so enforced under the law of England. And, except in certain special cases, the period of civil imprisonment is limited to six weeks.

Compulsory Acquisition of Land.—No. 1 provides for the establishment of Compensation Boards to assess compensation where land is compulsorily acquired for public purposes. Hitherto the assessing authority had been a District Commissioner. The right of appeal to the High Court has been preserved.

Co-operative Societies.—Hitherto there had been no legislation providing for co-operative societies. No. 7 was passed to encourage the development and extension of the co-operative movement in the Protectorate, and to enable these societies to be conducted on a sound basis. The Decree provides for registration of societies, defines their rights and liabilities and regulates the conduct of their affairs.

Criminal Law.—No. 23 amended the definition of " provocation " (in relation to homicide) contained in the Penal Decree, in order to assimilate it to the corresponding definition contained in the penal codes of the other East African territories. The amendment is designed to modify the wide construction of which the term had hitherto been susceptible, and thus to relate the law of provocation more nearly to English law.

No. 33 introduced into the Penal Decree the provisions of the Public Order Act, 1936, of the United Kingdom, which restrict the possession of offensive weapons at public meetings and processions, and which penalize offensive conduct at such meetings or in public places if it is intended or likely to cause a breach of the peace. Recent events in the Protectorate had shown the danger which might result when weapons were carried at such assemblies.

Diamonds.—No. 21 prohibits the possession of or any dealing in uncut diamonds without a permit. The Protectorate has no diamond industry of its own, but there is a large and prosperous one in the neighbouring territory of Tanganyika. In the absence of restrictive legislation, Zanzibar might be found an easy channel for disposing of diamonds illicitly obtained elsewhere or for their transmission to other countries.

Diplomatic Privileges.—No. 10 makes the provisions of the General Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly in 1946 operative within the Protectorate.

Emergency Powers.—No. 18 was passed during the general strike which occurred in September 1948. Essential services and food supplies were endangered, and it became necessary to call a special meeting of the Legislative Council to confer on the Government all necessary powers to deal with the situation by means of emergency regulations. The Decree closely follows the provisions of the Emergency Powers Act, 1920, of the United Kingdom.

Employment Restrictions.—No. 26 brings the law relating to the minimum age for employment in industry and at sea into line with the revised international labour conventions on this subject, and also applies the provisions of the Medical Examination of Young Persons (Sea) Convention, 1921.

No. 30 regulates the working hours of shop assistants. It restricts them to a maximum of forty-eight hours a week, provides for sufficient intervals for rest and meals during the working day, and requires shopkeepers to give their assistants a weekly holiday of twenty-four hours.

Fish Protection.—No. 15 is a measure designed to assist the development of the local fishing industry by providing for the control of sea fishing and the protection of fish in Protectorate waters.

Pensions.—No. 11 provides a further temporary increase in the lower range of

pensions paid from Protectorate funds in order to mitigate cases of hardship caused by the rising cost of living.

Vehicles and Traffic.—No. 5 provides for stricter control of public service vehicles and establishes a Board to regulate their operation.

X. SOUTH ATLANTIC.

1. BRITISH GUIANA.

[*Contributed by* A. C. Brazao, Esq., *Legal Draftsman.*]

Thirty-five Ordinances were enacted during the year. The more important of these were the following:

Criminal Law.—No. 2 amends the Criminal Law (Procedure) Ordinance (c. 18) in certain respects, including the repeal and re-enactment of the provisions relating to the qualification of jurors. The Ordinance also provides for the right of peremptory challenge by an accused person as well as by the Crown, and increases the age under which sentence of death may not be pronounced on any person from 16 to 18.

Tax.—No. 9 imposes a tax upon gold produced in the Colony and not exported therefrom, a tax upon the rent received by distributors on films exhibited in cinematograph theatres, and a tax on lotteries and sweepstakes.

Customs Duties.—No. 10 further increases the customs duties on spirituous liquor, wine and tobacco.

Co-operative Societies.—No. 12 makes provision for the formation and the regulation of the operations of Co-operative Societies. The Ordinance is adapted from a model Ordinance which has been based largely on legislation relating to Co-operative Societies in certain countries. The Registrar of such societies is given very wide powers to ensure that the provisions of the Ordinance and the rules of a society are carefully observed. The Governor-in-Council may exempt such societies from payment of income-tax, stamp duties and registration fees. Provision is also made for the easy conversion of societies previously registered under the Industrial and Provident Societies Ordinance, 1931, and under which no further registration may now be made, into societies under this Ordinance.

District Lands Partition.—No. 17 amends the District Lands Partition and Re-allotment Ordinance (c. 69) with respect to petitions and appeals. Provision is made for a preliminary investigation of the merits of the petition by a District Commissioner on the spot, and appeal from the decision of a partitioning officer now lies to a judge in chambers, instead of to the Local Government Board, with a further right of appeal to the Full Court.

Cinematograph.—No. 18 provides for the provisional grant of licences in respect of premises about to be constructed or in the course of construction for use as a cinema. It also exempts from the provisions of the Cinematograph Ordinance c. 105, exhibitions of non-inflammable sub-standard films under certain conditions.

Volunteer Force.—No. 20 provides for the establishment, control, training and discipline of a Volunteer Force in British Guiana. The Ordinance replaces the Volunteer Ordinance, 1878 (No. 2). The main provisions of the Ordinance have been adapted from the Territorial and Reserve Forces Act, 1907 (7 Edw. VII c. 9).

Militia Band.—No. 21 attaches the British Guiana Militia Band, formerly attached to the British Guiana Militia Force, to the British Guiana Volunteer Force established under No. 20. Following the enactment of the latter Ordinance, all references to the Militia Force in the Militia Ordinance (c. 29), and the South Caribbean Force Ordinance, 1944 (No. 7), are repealed.

Co-operative Credit Banks.—No. 22 extends the lending powers of Co-operative Credit Banks in order to increase the production of food. It enables the Governor-in-Council to make such advances to the Co-operative Credit Bank Board as

he may think fit, and the Board in turn may allocate out of any such advance such sum as it thinks fit to any bank to be used for making food-production loans to its members.

Executive and Legislative Councils.—No. 25 provides for the payment of remuneration, travelling expenses and subsistence allowances to unofficial members of the Executive and Legislative Councils.

Summary Jurisdiction.—No. 26 extends the grounds on which a married woman may apply for a maintenance order against her husband, authorizes the making of interim orders for maintenance pending the making of final orders, and provides for the payment of moneys due under such orders to a collecting officer of a Magistrate's Court.

No. 33 extends the civil jurisdiction of a magistrate to hear and determine claims up to $250 (£52 1*s.* 8*d.*) instead of $100 (£20 16*s.* 8*d.*), as was formerly the case.

No. 34 increases the sentence which may be imposed by a Court of Summary Jurisdiction on summary trial of an indictable offence, from imprisonment for six months or a fine not exceeding $500 (£104 3*s.* 4*d.*) or both, to imprisonment for twelve months or a fine not exceeding $1,000 (£208 6*s.* 8*d.*) or both such imprisonment and fine.

Licensed Premises.—No. 29 alters the opening and closing hours of retail spirit shops, and provides for overtime pay for employees in such shops.

Rent Restriction.—No. 30 provides for the appointment by the Governor of Advisory Committees to advise the Rent Assessor on all questions connected with the rental value of premises. Provision is also made whereby the Rent Assessor may, in the case of premises erected after, or in the course of erection on, March 8, 1941, fix as the standard rent a lesser amount than the sum at which it was first let, and for the apportionment of rent where portions of premises are let as separate premises. The amount a landlord is permitted to add to the standard rent is increased.

Crown Lands.—No. 32 removes doubts as to whether the Crown Lands Resumption Ordinance (c. 172) extends to lands alienated by the Dutch authorities prior to the cession to the British Crown in the year 1803, of the Colony of Demerara and Essequebo and of the Colony of Berbice, which now comprise British Guiana.

2. BRITISH HONDURAS.

Drugs.—The importation, storage, distribution, sale and use of antibiotics is regulated by No. 2.

Fisheries.—Laws relating to Crawfish (c. 84 of the Consolidated Laws) and Turtle (c. 85 of the Consolidated Laws) are repealed by No. 3, which is a comprehensive measure dealing with fisheries and imposing an export duty on fish.

Co-operative Societies.—Provision is made by No. 4 for the formation of co-operative societies and the regulation of their operation.

Customs.—The Package Tax Ordinance (No. 11 of 1938) and Package Tax (War Surtax) Ordinance 1940 (No. 3 of 1940) are repealed by No. 6, which imposes a tax based on the value of goods imported into the colony.

Marketing Board.—The Board of Agriculture Ordinance 1936 is repealed by No. 11, which provides for the establishment of a Marketing Board.

3. FALKLAND ISLANDS.

Stamp Duty.—Provision for the payment of a stamp duty of 2*d.* on each receipt is made by No. 1.

Licensing.—A club licence is introduced into the Licensing Ordinance, 1944, by No. 3.

Income-tax.—The rates of income-tax are amended by No. 5 and the allowance increased for wife and dependants. Under No. 7 special provision is made for calculating the chargeable income of persons engaged in the whaling industry.

Lotteries.—Lotteries which includes betting by totalisator are controlled by No. 8.

Firearms.—The law relating to the possession of firearms is amended and consolidated in No. 10.

Radio-active Minerals.—The object of No. 14 is to regulate and control prospecting and mining for radio-active minerals and their export, and is in terms similar to legislation noted elsewhere.

Diplomatic Privileges.—Grants of diplomatic privileges to representatives of the United Nations is accorded by No. 15.

Legislative Council.—Provision is made for the nomination and election of members of the Legislative Council by No. 16.

Road Traffic.—The law relating to the regulation and control of road traffic is now contained in No. 20, which repeals previous legislation bearing on the subject.

4. ST. HELENA.

[*Contributed by* THE GOVERNMENT SECRETARY.]

THE following Ordinances were enacted during 1948:

Estate and Succession Duties.—No. 2 enables the payment of estate and succession duties by the transfer of land.

Customs.—No. 3 imposes a small export duty on hemp and tow.

Flax.—No. 4 provides for the rehabilitation and improvement of the flax industry and the establishment of a fund therefor, to which all exporters of hemp or tow contribute.

Currency.—No. 5 makes United Kingdom currency the only legal tender in the Colony.

Customs.—No. 6 permits free importation of uniforms, badges and equipment by Boy Scouts, Girl Guides and Church Lads' Brigade Association, and similar exemption for insignia, emblems and regalia imported by various societies.

Tristan da Cunha.—No. 8 enables the Governor to appoint an officer to administer the affairs of the Dependency of Tristan da Cunha.

XI. WEST INDIES.

1. BAHAMAS.

[*Contributed by* J. S. R. COLE, ESQ., *Attorney-General.*]

FORTY-NINE Acts were passed during the year. The following are deserving of specific mention:

Elections.—No. 3 makes provision for supplementary revisions of voters' lists in every polling division in the Out Islands in the months of April and September of each year. The principal Act provided for annual revisions only, and as a consequence the number of registered voters in the Out Islands has considerably decreased. Provision is also made in the amending Act to extend the polling hours from two o'clock in the afternoon to six o'clock.

Subsidiary Legislation and the Statute Law.—The Subsidiary Legislation (Compilation) Act No. 5 and the Statute Law (Revised Edition) Act No. 4, make provision for the compilation of the subsidiary legislation of the Colony, which was last compiled in 1908, and for revision of the Laws of the Colony, which were last revised in 1929. Under the Subsidiary Legislation (Compilation) Act, His Excellency has appointed His Honour the Chief Justice as Commissioner for the compilation, and the Statute Law (Revised Edition) Act appoints the Chief Justice

O. L. Bancroft, K.C., the Attorney-General, the Honourable J. S. R. Cole and the Honourable A. K. Solomon, K.C., as Commissioners for the revision of the Laws of the Colony.

Penicillin.—No. 7 controls the distribution and sale of penicillin in the Colony. It is based on the (Imperial) Penicillin Act, 1947.

Butlin Vacation Village.—No. 24 empowers the Governor-in-Council to enter into an agreement with Butlin's Bahamas, Limited, for the establishment of a vacation village at Grand Bahama. The agreement is on the general lines of that existing in respect of the Fort Montague Beach Hotel, but in addition it grants to the company certain rights concerning its aviation activities, and also extends the Race-course Betting Act to Grand Bahama, the only other Island in the Colony in which race-course betting is allowed. It is anticipated that the Butlin vacation village will be a major dollar earner for the British Empire.

Rate of Interest.—No. 25 sets the maximum interest on petty loans, not exceeding £25, at 30 per cent. simple interest. Moneylenders in the Colony have been resorting to excessive rates of interest charged on petty loans, some rates having soared as high as 300 per cent., and it is hoped that this Act will act as a deterrent to moneylenders and that the borrowing public will benefit by it.

2. BARBADOS.

[*Contributed by* JOHN WHYATT, ESQ., K.C., *Attorney-General.*]

1947.

DURING the year 1947 42 Acts were enacted, of which the following are the most important:

Fishing Industry.—No. 4 authorized the appointment of inspectors to perform such duties in connexion with the fishing industry as the Governor may require of them from time to time and empowered the Governor-in-Executive Committee to make regulations for the purpose of ensuring the safety and welfare of men working on fishing boats or otherwise engaged in the fishing industry, and generally for promoting the welfare of the fishing industry.

Voluntary Vaccination.—No. 11 authorized the Governor to appoint as public vaccinators persons who are considered fit and qualified for that purpose. The public vaccinator works under the direction and supervision of the Chief Medical Officer, and is entitled to receive a fee of 1*s.* for every person successfully vaccinated. The Chief Medical Officer appoints certain stations and days and hours at which public vaccinators will be in attendance for the purpose of performing vaccinations.

Sugar Industry.—No. 13 imposes a levy on all sugar and fancy molasses manufactured in the Island and allocates the proceeds of the levy in varying proportions to the Sugar Industry Capital Rehabilitation Reserve Board, the Sugar Industry Price Stabilization Reserve Board, and to the Governor-in-Executive Committee for the purpose of a Labour Welfare Fund, the latter to be administered in accordance with regulations approved by the Governor-in-Executive Committee.

Department of Medical Services.—No. 14 sets up a Department of Medical Services with a Director of Medical Services at its head, to be responsible to the Governor for the public health and medical services of the Island, and repeals the Chief Medical Officer and Sanitation Officer Act 1928, which previously regulated the health services of the Island.

Pensions.—No. 20 is based on the Colonial Office Model Pensions Ordinance, and brings the law relating to the pensions of public officers serving in this Island into line with corresponding pension laws elsewhere in the Colonial Empire.

Barbados General Hospital.—No. 28 transfers the Barbados General Hospital from a statutory board, known as the Hospital Board, to the Executive Committee, thus making it a Government institution, and giving the Governor-in-

Executive Committee control over the appointment of staff and the equipment and general management of the hospital buildings and premises. The Act authorizes the Governor-in-Executive Committee to appoint an Advisory Committee to advise the Medical Superintendent as regards the provision of supplies, accommodation and other administrative questions concerning the hospital.

Factories.—No. 29 establishes a Factory Board to supervise factories and machinery, and provides for the registration of factories and for the appointment of factory inspectors to carry out the provisions of the Act. The Act also contains provisions relating to sanitation in factories, fires, safety arrangements, accidents and the employment of women and young persons.

Diplomatic Privileges.—No. 32 confers immunities and privileges on certain international organizations and their staff.

Quarantine.—No. 38 gives effect to recommendations made by the British West Indian Quarantine Conference held in Trinidad in 1943 proposing the adoption of uniform quarantine legislation throughout the British West Indies. The Regulations in the Schedule implement the provisions of the International Sanitary Convention, 1926, and the International Sanitary Convention for Aerial Navigation, 1933.

1948.

During the year 1948 40 Acts were enacted, of which the following are the most important:

Income-tax.—No. 1 makes provisions for giving effect to arrangements made with the Government of any territory outside the Island for affording relief from double taxation of income.

Police.—No. 2 authorizes the Commissioner of Police, with the sanction of the Governor, to employ constables on special duties for private persons.

Matrimonial Causes.—No. 3 contains a number of important amendments to the law relating to divorce and nullity. It provides that no petition for divorce shall be presented within three years of the date of the marriage, except in cases of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent. The grounds for divorce are defined as adultery, desertion for three years, cruelty, unsound mind for a period of five years, and in cases where the wife is petitioner, rape, sodomy or bestiality; a decree of judicial separation may be granted on the same grounds. The Act also provides that a decree of nullity may be granted on the ground that the respondent was at the time of the marriage of unsound mind or subject to recurrent fits of insanity or epilepsy or suffering from venereal disease. Provision is also contained in the Act for making a decree presuming death and dissolving the marriage where one of the parties has been absent for seven years and there is no reason to believe that he or she has been alive during that time.

Volunteers.—No. 11 reconstitutes the local Volunteer Force, which during the war was absorbed into His Majesty's Regular Forces.

Emergency Powers (Hurricane and Earthquake).—Under No. 13 the Governor is empowered to declare a state of emergency after a hurricane or earthquake, and to make orders for securing the essentials of life to the community and for the preservation of the health, welfare and safety of the public.

Vestries.—No. 14 authorizes the Vestries to provide and maintain playing fields, parks and other places of public recreation, and to establish and maintain public markets and slaughter-houses.

Customs Tariff.—No. 40 exempts from customs duty articles consigned to approved societies for distribution to the poor.

3. JAMAICA.

[*It is hoped to publish the review in the next issue.*]

4. LEEWARD ISLANDS.

[*Contributed by* THE ATTORNEY-GENERAL.]

FIFTEEN Federal Acts were passed by the General Legislative Council of the Leeward Islands during the year 1948. Of these the most important were:

Matrimonial Causes.—No. 1 makes provision for divorce and matrimonial causes. The grounds on which a petition for divorce may be presented are: adultery, desertion, cruelty and incurable insanity. In addition, a wife may present a petition on the ground that her husband has been guilty of rape, sodomy or bestiality.

Factories.—No. 4 makes provision for the registration, regulation and supervision of factories and for the safety of workers employed therein.

Juvenile Courts.—No. 5 provides for the establishment and constitution of Juvenile Courts for the trial of young persons and children charged with summary offences.

Medical.—No. 6 amends the Medical Act, 1937, by the repeal and replacement of s. 23, which prescribes the persons who are entitled to be registered as medical practitioners under the Act. A medical practitioner registered as such in the United Kingdom, but whose registration has been determined by virtue of his being no longer a resident in the United Kingdom, may now be registered in this Colony.

Diplomatic Privileges.—No. 9 makes provision as to the immunities, privileges and capacities of International Organizations of which His Majesty's Government in the United Kingdom and foreign Governments are members; confers immunities and privileges on the staffs of such organizations and representatives of member Governments and in respect of premises and documents of such organizations.

Magistrate's Code.—No. 14 amends s. 130 of the Magistrate's Code of Procedure Act, and makes provision for the making of Maintenance Orders in the case of married women whose husbands have deserted them, or have been convicted of an assault upon them or of persistent cruelty to them.

(i). ANTIGUA.

In the Presidency of Antigua 15 Ordinances were passed by the Legislative Council during the year 1948. Of these the most important were:

Electricity, Ice and Cold Storage.—No. 1 provides for the generation and supply of electricity, the operation of a cold storage plant and the manufacture and sale of ice.

Slum Clearance and Housing.—No. 3 provides with respect to the housing of persons of the working classes, for the acquisition, reconstruction and management of slum clearance areas and redevelopment areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings and other matters connected herewith.

Town and Country Planning.—No. 4 provides for the orderly and progressive development of land, towns and other areas whether urban or rural, and to preserve and improve the amenities thereof.

Radio-active Minerals.—No. 6 regulates and controls prospecting and mining for radio-active minerals and the export thereof.

Entertainments Duty.—No. 14 provides for the imposition of a duty on certain entertainments and dances to which the public are admitted for payment, and on tickets in respect of certain lotteries, sweepstakes, pari-mutuels and pool bettings.

(ii). ST. CHRISTOPHER and NEVIS.

In the Presidency of St. Christopher and Nevis 13 Ordinances were passed by the Legislative Council during the year 1948. Of these the most important were:

Slum Clearance and Housing.—No. 1 and Town and Country Planning No. 2.

These Ordinances are in identical terms with No. 3 and No. 4 of Antigua (*supra*)

Public Meetings and Processions.—No. 5 empowers the Governor to prohibi meetings and processions in certain circumstances, and to make other provisions i the interest of good order and the public safety.

Radio-active Minerals.—No. 11 is in similar terms to the Ordinance of Antigu No. 6 (*supra*).

(iii). MONTSERRAT.

In the Presidency of Montserrat 6 Ordinances were passed by the Legislativ Council during the year 1948. The most important of these was the Radio-activ Minerals Ordinance No. 3, which is in similar terms to the Antigua and St. Chris topher and Nevis Ordinances Nos. 6 and 11 respectively.

(iv). VIRGIN ISLANDS.

In the Presidency of the Virgin Islands 3 Ordinances were made for tha Presidency during the year 1948. The most important of these was the Radio active Minerals Ordinance No. 3, which is in similar terms to the Antigua and S Christopher and Nevis Ordinances Nos. 6 and 11 respectively.

5. WINDWARD ISLANDS.

(i). GRENADA.

[*Contributed by* HON. G. ELMORE EDWARDS, *Acting Attorney-General.*]

DURING the year 1948 15 Ordinances were enacted, of which 13 were of an amend ing nature. The following two independent enactments were made during th year:

Factories.—No. 6 makes provision for the registration, inspection and gener supervision of factories with a view to ensuring the safety of persons employe therein.

Diplomatic Privileges.—No. 11 brings the law for the time being in force i England relating to diplomatic privileges and immunities into operation, *mutat mutandis*, in the Colony. It also empowers the Governor-in-Council, by Order, t extend the said privileges and immunities to any international organization which His Majesty's Government in the United Kingdom and the Government Governments of one or more foreign sovereign powers are members.

(ii). ST. LUCIA.

[*Contributed by* HON. KEITH ALLEYNE, *Crown Attorney.*]

THERE were 16 Ordinances passed in St. Lucia during 1948. Of these, speci mention may be made of the following:

Criminal Law.—No. 11 added a new section (12A) to the Police Ordinance 1940, enabling measurements, photographs and finger-print impressions to taken of all persons in lawful custody. All records relating to these measurement etc., are to be returned to a person not previously convicted on his discharge acquittal by the Court. A person refusing to submit to be measured, etc., may taken before a Magistrate, who may make an order.

Fire.—The Emergency Powers (Castries Fire) Ordinance No. 10 was assent to three days after the disastrous fire which destroyed a large part of the chi town. The Governor-in-Council was given powers to make regulations for securi the public safety and maintaining supplies. The Ordinance expired on Decemb 31, 1948.

Revenue.—The Income-tax Ordinance, 1947 No. 8, had been reserved for the Royal assent, and was finally assented to on April 10, 1948. The income-tax law was consolidated, and new provisions made for double taxation relief arrangements with all countries; new rates of tax were fixed.

Trade Unions.—The Trade Unions Ordinance No. 4 repealed the existing Trade Unions Ordinances and replaces them. "Intimidate" was defined to mean "to use violence and threats of violence such as would justify the offender being bound over to keep the peace." Liability for tort and for conspiracy is limited.

Constitution.—The Slum Clearance and Housing (Amendment) Ordinance No. 7 enables an unofficial member of the Legislative Council to accept office as a member of the Central Housing and Planning Authority without thereby forfeiting his seat. An amendment of the Imperial Order in Council of the same year, St. Lucia (Legislative Council) Order in Council, provides that an office may be so exempted by a local enactment.

(iii) ST. VINCENT.

[*It is hoped to publish the review in the next issue.*]

6. TRINIDAD and TOBAGO.

[*Contributed by* H. W. Wilson, Esq., *Attorney-General.*]

During the year 1948 36 Ordinances were enacted, of which particulars of the more important are as follows:

Motor Vehicles.—No. 2 provides for the issue of a highway code by the Licensing Authority subject to the approval of the Legislative Council. Failure on the part of any person to observe the provisions of the code does not of itself render that person liable to criminal proceedings, but any such failure may be taken into consideration in any proceedings (whether civil or criminal) as tending to establish or to negative any liability which is in question in those proceedings. A highway code has been issued and approved by the Legislative Council.

Public Works.—No. 3 amends the Public Works Loan Ordinance, 1945, which authorized the Governor to raise in the Colony or in London a loan of $7,000,000 for the construction of public works. The amending Ordinance increased the amount of the loan authorized to $15,000,000.

Income-tax.—No. 5 increases for one year, *i.e.* the year 1948, the rate of income-tax payable on the net chargeable income of companies other than life insurance companies from 40 per cent. to 45 per cent.

Marketing Board.—No. 7 provides for the establishment of a marketing board consisting of the Director of Agriculture as chairman, the Accountant-General, the Marketing and Co-operative Officer and five other members to be appointed by the Governor. The Board is to be a body corporate, and is to take over the assets and liabilities of the Trinidad and Tobago Ground Provisions Board, of the Trinidad and Tobago Banana Board and of the temporary marketing division of the Department of Agriculture. The Board is authorized to carry on and develop the trade and business activities of these three organizations. The duties of the Board are to endeavour also to assist and improve the marketing and processing of agricultural and fishery products in the interests of producers. The Board is also authorized to trade and deal in feeding stuffs for livestock, seeds, fertilizers and insecticides, and in such other commodities as may facilitate the operations of producers. Finally, the Board is authorized to regulate the control and export of Gros Michel bananas in accordance with the provisions of the Ordinance.

Education.—No. 10 makes two changes in the law. In the first place it made non-Christian religious bodies eligible to manage assisted schools in the same way as Christian denominations are so eligible. Any religious denomination or body which has a head or governing body is now competent to apply to manage an

assisted school, *i.e.* a school to which a grant is made from public funds. In the second place the Ordinance provided that the allowances paid to a scholar to whom a colonial scholarship is awarded may be varied from time to time by the Governor-in-Council, so that such allowances shall be in general conformity with proposals advanced by the Secretary of State for the Colonies for the standardization of allowances paid to all official scholars of Colonial Governments or under Colonial Development and Welfare Acts.

Sugar Industry.—His Majesty's Government in the United Kingdom has agreed, following on negotiations in London between the British West Indies Sugar Association (with which the Sugar Manufacturers' Association of Trinidad (Incorporated) is associated) and representatives of the Ministry of Food, to grant an increase of £4 15*s*. ($22.80) per ton on the price of sugar.

The increased price has been granted subject to the condition, mutually agreed upon between the parties concerned, that provision should be made for the establishment of certain special funds for the benefit of the sugar industry and the welfare of the labour workers engaged in the industry, such funds to be built up by means of a levy at an agreed rate per ton of sugar exported.

The special funds established by No. 12 are: Price Stabilization Fund; Rehabilitation Fund; Labour Welfare Fund.

It has been further agreed that the levy should be at the rate of $13.20 per ton, to be allocated in the proportion of $6 per ton to the Price Stabilization Fund, $4.80 per ton to the Rehabilitation Fund and $2.40 per ton to the Labour Welfare Fund. The rate of the levy and the basis of allocation may be varied by mutual agreement in subsequent years if found desirable.

The purpose of the Price Stabilization Fund is to provide a reserve which can be utilized, if necessary, to mitigate the adverse effect of a reduction in the price of sugar or when the current price proves to be unremunerative. It is not proposed to draw upon this fund in the immediate future, and certainly not so long as the present Ministry of Food guaranteed purchase arrangements remain in force; that is to say, not before the end of the year 1949.

The purpose of the Rehabilitation Fund is to provide a source of funds in order to assist the manufacturers to meet the cost of major renewals, and to carry out capital works associated with the factory side of the manufacturers' operations.

The purpose of the Labour Welfare Fund is to provide funds to meet the cost of capital works and recurrent expenditure on such works for the improvement of the welfare of labourers engaged in the sugar industry.

The Ordinance establishes the special funds referred to above, and provides for the control and administration of these funds by three committees to be appointed by the Governor-in-Council. The Sugar Industry Price Stabilization Fund is to be controlled by a Committee consisting of three persons nominated by the Sugar Manufacturers' Association of Trinidad (Incorporated), two persons nominated by the Governor to represent cane farmers of the Colony and two public officers. The Committee to control the Sugar Industry Rehabilitation Fund consists of five persons nominated by the Sugar Manufacturers' Association and two public officers. The Committee to control the Labour Welfare Fund consists of three persons nominated by the Sugar Manufacturers' Association, three persons nominated by the Trade Unions concerned with the welfare of labour workers in the sugar industry, two public officers and one person nominated by the Governor to represent the cane farmers in the Colony.

Jury.—No. 16 enabled payment to be made to jurors living within three miles of the place to which they were summoned provided that they had suffered a loss of earnings by reason of their attendance as jurors. Previously such jurors were not eligible for any payment.

Antibiotics.—No. 18 was designed to safeguard the community against evil effects arising from the misuse of antibiotics, and for this purpose authorized the setting up of a committee which by means of a licensing system would exercise

he necessary control over the importation, storage, distribution, sale and use f these substances.

Summary Courts.—The main change in the law effected by No. 24 is that a nagistrate or justice issuing a warrant of arrest is required to endorse the warrant vith directions as to the security to be taken as to his appearance for trial if he onsiders that the person should be released on bail on his arrest, and the officer n charge of the police station to which the arrested person is brought is placed nder obligation to take such security.

Indictable Offences.—No. 25 requires a magistrate issuing a warrant of arrest or an indictable offence other than murder or treason to endorse the warrant in ke manner as is provided by Ordinance No. 24.

Income-tax.—S. 2 of No. 30 brought within the scope of income-tax imposition nnual gains and profits which previously did not fall within such scope. S. 2 uthorizes the deduction for Income-tax from: (*a*) sums paid by way of interest on oans where such interest was paid on capital employed in acquiring the income; nd (*b*) in each of ten successive years of one-tenth of any lump sum payment made y an employer on account of an employee's superannuation or pension fund.

Port Services.—No. 32 replaced the Harbours and Wharves (Dues and Manage- nent) Ordinance No. 14 of 1942 as amended. The title of the Harbours and Wharves Department has been changed to "The Port Services Department." The main objects of the Ordinance are to provide for:

(1) Reduction in minimum wharf dues for vessels under 1,000 tons, the rates or which under the 1946 Amendment Ordinance were found to be excessive.

(2) Changes in rates of pay for labour and overtime, consequent upon agree- nent with the Shipping Association and the Labour Union concerned as to such ates.

(3) Land rental rates for repairs to launches, etc., from the St. Vincent Wharf, or which no statutory provision has been previously made.

(4) New rates for the hire of gear and mechanical appliances acquired by the Department since the publication of previous tariffs.

(5) A complete set of by-laws for traffic of vessels in the harbours, including the esignation of an Explosives Anchorage for vessels carrying explosives.

(6) A complete set of by-laws for the management of the Government slipways.

Public Authorities' Protection.—No. 34 extended from two months to one year he limitation period for bringing civil actions against public authorities.

Cinematograph Entertainments.—No. 36 provides for the control by the Governor- n-Council assisted by an advisory committee of prices of admission to cinemato- raph entertainments.

XII. MEDITERRANEAN.

1. GIBRALTAR.

[*It is hoped to publish the review in the next issue.*]

2. CYPRUS.

[*Contributed by* The Hon. Stelios Pavlides, K.C., *Attorney-General.*]

URING 1948 46 Laws have been enacted, of which 17 were new or consolidating aws, the remaining being amending Laws. Of the new or consolidating Laws, the llowing may be noted:

Tree Planting.—No. 6 consolidates and amends the Laws relating to reservation f tree planting areas in villages which have already proved to have had a very eneficial effect.

Public Roads.—No. 11 amends and consolidates the Laws relating to the protection and preservation of public roads designed to provide a more workable measure for the purpose.

Transfer of Securities.—No. 13 makes provision for the control of transfer of securities which is considered to be necessary and desirable, based on similar provisions in force in England.

Water.—No. 23 makes provision for the supply, maintenance and control of water supplies in villages for domestic purposes. The Law is expressed to apply only to such villages as the Commissioner of the district may declare to be villages to which its provisions shall apply and enables village commissions to prepare schemes for providing a supply of water for domestic purposes in villages or for extending or improving existing supplies with power to acquire compulsorily any land necessary for the purpose, and generally containing comprehensive provisions for enabling village commissions effectively to carry out the provisions of the Law.

Street Collections.—No. 35 regulates street and house-to-house collections. The Law makes provision for a Licensing Authority, which in municipal areas will consist of the Commissioner, the Mayor and the officer in charge of the police in the district, whilst in non-municipal areas its functions will be exercised by the Commissioner of the district alone. Formerly the control over such collections within municipal limits was exercised by municipal councils, and no provision relating to such collections existed for non-municipal areas.

Criminal Procedure.—No. 40 amends and consolidates the Law relating to procedure in criminal proceedings, and is designed to provide a comprehensive code of criminal procedure.

Dogs.—No. 45 is designed to make better provision for the licensing and control of dogs in all places in the Colony other than municipal corporations and summer resorts.

Of the amending Laws, the following may be noted:

Explosive Substances.—No. 25 amplifies the provisions of the existing Law on the subject, and increases the penalties for contraventions of s. 4 of the principal Law from twelve months' imprisonment and a fine of £50 to imprisonment for seven years and to a fine of £300, to meet prevalent acts of terrorism and destruction of property by explosives.

Municipal Corporations.—No. 34 amends extensively the principal Law in the light of past experience, and particularly provides for new regulations for the preparation of electors' lists by mukhtars and azas, and for their revision by a Revising Judge specially nominated by the Chief Justice from amongst the members of a district Court.

Criminal Code.—No. 44 effects certain amendments consequent upon the enactment of the Criminal Procedure Law, 1948, enlarging certain provisions of the Code and making provision for the control of sound amplifying instruments in or near public places.

It may be noted that the long-expected consolidation and reprint of the Cyprus Laws is now proceeding and will cover the period ending March 31, 1949.

3. MALTA, G.C.

[*Contributed by* The Hon. Mr. Justice E. Ganado, LL.D.]

During the year 1948 6 Ordinances were enacted by the Governor by virtue of the powers conferred upon him by the Malta (Office of Governor) Letters Patent 1947, and 63 Acts were enacted by H.M. the King with the advice and consent of the Legislative Assembly of Malta.

Immigration.—The Immigration Ordinance refers mainly to questions concerning the entry of certain people into one of the Islands forming the Maltese group. For this purpose a distinction is made between British subjects in general and

British subjects who are deemed to belong to the Island. The latter class includes the following persons:

(*a*) People who are born in the Island or of parents who at the time of their birth were ordinarily resident in the Island; or

(*b*) Have been ordinarily resident in the Island continuously for a period of seven years or more, and since the completion of such period have been ordinarily resident in any part of His Majesty's Dominions or in any territory under the protection of His Majesty for a period of at least seven years; or

(*c*) Have obtained the status of British subjects by reason of a grant by the Governor of a Certificate of Naturalization, under the British Nationality and Status of Aliens Acts, 1914 to 1943; or

(*d*) Are dependants of persons to whom any of the above paragraphs apply.

Certain cases are then indicated in which British subjects (not being persons deemed to belong to the Island as already defined) are prohibited from entering the Island.

The prohibition affects the following persons:

(*a*) Any person who is without visible or sufficient means to support himself or such of his dependants as he shall bring with him to the Island, or who is likely to become a charge on public funds by reason of infirmity of body or mind or of ill-health or to become a pauper.

(*b*) Any person certified by a Health Officer to be suffering from a communicable disease which makes his entry into the Island dangerous to the community.

(*c*) Any person who is deemed by the Governor to be an undesirable inhabitant of or visitor to the Island.

(*d*) Any person who is shown to be likely to conduct himself so as to be dangerous to the peace and good order of the Island.

(*e*) Any prostitute or any person who may be living on or receiving the proceeds of prostitution.

(*f*) Any child under the age of 18 years who is a dependant of a prohibited immigrant.

Leave may, however, be granted to the above persons to remain in the Island temporarily subject to such conditions, as to duration and place of residence, occupation, security or any other matter as the Governor may deem fit.

Income-tax.—Act No. LIV introduced Income-tax in Malta. Being the first Act on the subject, it contains numerous provisions concerning the imposition of the tax (Part III), exemptions (Part IV), deductions (Part V), returns (Part X), assessments (Part XI), appeals (Part XII), collections (Part XIII), refunds (Part XIV), penalties (Part XV).

The tax upon a chargeable income other than that of a company will be reckoned as follows:

(*a*)	For every pound of the first £200	2*s.*
(*b*)	,, ,, ,, ,, next £300	3*s.*
(*c*)	,, ,, ,, ,, next £400	4*s.* 6*d.*
(*d*)	,, ,, ,, ,, remainder	6*s.* 6*d.*

The tax upon the chargeable income of a company shall be at the rate of 5*s.* on every pound of the chargeable income thereof.

Where the total income of any person other than a company exceeds £2,500, an additional tax which is called surtax shall be charged on the excess at the following rate:

(*a*)	For every pound of the first £500	2*s.*
(*b*)	,, ,, ,, ,, next £500	2*s.* 6*d.*
(*c*)	,, ,, ,, ,, next £500	3*s.*
(*d*)	,, ,, ,, ,, remainder	3*s.* 6*d.*

The non-chargeable income of a single person is £240, and that of a marrie man who is maintaining his wife is £420. If a person maintains a male child unde the age of 21 years (or if over 21, if at any time during that year he was receivin full-time instruction at any University, College or other educational establishmen with a view to qualifying to a trade or profession, or was incapacitated by infirmit from maintaining himself), or if he maintains a female child, there will be allowed deduction of £80 in respect of such child and of £60 in respect of a second child an of £40 in respect of each subsequent child, provided the child be not entitled i his own right to an income exceeding £80 a year.

Succession and Donation Duties.—By Acts No. VII and LV, c. 70 of the Revise Edition of the Laws of Malta was amended. Devolutions upon death are no exempt from any duty, when the total net value of the estate does not exceed £1,000. Before these amending Acts, the minimum was £300. A marriage settle ment is now subject to donation duty, if the value of the settlement exceeds £500 instead of £300 as hitherto.

The Acts contain a revision of the rates according to which Succession an Donation Duties are reckoned. The revision is characterised by a marke increase of rates as regards the more substantial estates or donations. Estat duty is charged at the following percentages:

Value of Estate	*Duty per cent.*
£500– £2,000	1
£2,000– £3,000	2
£3,000– £5,000	3
£5,000– £7,500	4
£7,500– £10,000	5
£10,000– £12,500	6
£12,500– £15,000	7
£15,000– £20,000	10
£20,000– £25,000	12
£25,000– £30,000	14
£30,000– £35,000	16
£35,000– £40,000	18
£40,000– £50,000	20
£50,000– £60,000	22
£60,000– £80,000	24
£80,000– £100,000	26
£100,000– £150,000	28
£150,000– £200,000	30
£200,000– £300,000	33
£300,000– £500,000	36
£500,000– £750,000	39
£750,000–£1,000,000	42
£1,000,000	45

Apart from this, a Succession or Donation Duty is chargeable according to th relationship between the deceased and heir or legatee and the donor and done The duty ranges between 2 per cent. and 15 per cent.

War Damage.—Acts Nos. XXXIV, XXXV, XLVIII and LII deal with certai post-war difficulties arising from war damage and the construction of air-rai shelters which had been carried out during hostilities. As regards the latter, th Government has now been given the right by Act LII to terminate, at its pleasur any encroachment which had been created for the purpose of the construction an air-raid shelter.

The most important provisions concerning war damage are contained in th

Developed Tenements (Compulsory Repairs) Act (No. XXXIV). Whenever the Minister of Works and Reconstruction deems it expedient so to do in respect of a developed tenement which, mainly as a result of war damage, is demolished or is in such a state that it is not fit for habitation, he may invite the owner thereof by means of a judicial letter to declare by means of another judicial letter in reply whether he will undertake to carry out the works necessary for the repair of that tenement within a reasonable time; if the owner refuses to carry out such repairs or does not enter an answer, the Minister is authorized to carry out such repairs with the power of receiving the relative compensation from the War Damage Commission. Any moneys necessarily expended by the Minister and not recoverable from the War Damage Commission constitute a privileged claim of the Government on the developed tenement and shall have priority over any other claim, whether hypothecary or privileged, notwithstanding any other law to the contrary. That privilege must be registered in the Public Registry within two months from the date of completion of the works. All such sums due to the Minister bear interest at the rate of 3 per cent. per annum on a sliding scale as from the date of the completion of works. Until the final settlement of capital and interest, the Government has the right to hold that developed tenement on antichresis in terms of Title 22 of Part II of the Second Book of the Civil Code (c. 23).

Trade Disputes.—By the Conciliation and Arbitration Act (No. XXXVIII) a Board of Conciliation has been created to inquire into and establish the causes and circumstances of any trade dispute brought before it. The Board shall endeavour to bring about a settlement of the dispute. A report of its proceedings must be forwarded to the Minister.

A tribunal called " The Malta Arbitration Tribunal " has been constituted for the purpose of settling trade disputes which cannot be otherwise determined. The tribunal consists of three members appointed by the Governor-in-Council. The Chairman shall be one of His Majesty's Judges; the other two members shall represent respectively the employers and the workers. The interpretation of awards is reserved to the Tribunal itself, and questions of law must be decided by the Chairman.

The Minister of Labour may refer to the Tribunal for advice any matter relating to or arising from a trade dispute.

Government Lottery.—By the Government Lotteries Act the Minister for Finance is authorized to direct the Collector of Lotto from time to time to promote and conduct a Government Lottery. Such Lotteries are drawn twice a year, in June and in December of each year. The first prize will be of £12,000; the second prize of £6,000; the third prize of £3,000; a certain number of prizes of £100 each; others of £50 each and consolation prizes of £5 each. Tickets may be sold both in Malta and abroad.

The distribution of the prizes is dependent on the draw directly (s. 13 (2)). The Collector shall notify by registered letter the person whose name is shown in the counterfoil, of the win secured, and the winner must present the ticket to the Collector before the lapse of 120 days from the date of the relative draw. Any action against the Government or the Collector with respect to the draw shall be barred absolutely by the lapse of two years from the date of the draw. The cognizance of any judicial matter is reserved exclusively to the Law Courts in Malta.

Pensions.—Several Acts concerning pensions were enacted. The most important is the Old Age Pension Act (No. XXV). According to this Act every person shall be entitled to receive a pension on attaining the age of 60 years, if he or she shows to the satisfaction of the Minister of Health and Social Services that for not less than ten years he or she has resided in Malta, or if he or she is a natural-born British subject, for an aggregate period of not less than twelve years since attaining the age of 45 years, and if he or she is not a natural-born British subject, for a period of twenty years since attaining the age of 40 years. His or her yearly means must, however, not exceed £49 17*s.* 6*d.*

The rates of the pension are as follows. Where the yearly means of the claimant do not exceed:

£	s.	d.		s.
26	5	0	the rate of pension per week is . . .	12
31	10	0	,, ,, ,, ,, . . .	10
36	15	0	,, ,, ,, ,, . . .	8
42	0	0	,, ,, ,, ,, . . .	6
47	5	0	,, ,, ,, ,, . . .	4
49	17	6	,, ,, ,, ,, . . .	3

This old-age pension is granted on a non-contributory system; and according to s. 4 the necessary funds are charged on and paid out of the Consolidated Revenue Fund.

By the Pensions Ordinance Amendment Act (No. XIV) the Governor-in-Council has been empowered to order that any regulation connected therewith and made under s. 3 of the principal law should have retrospective effect, with a view of conferring a benefit upon or removing a disability attaching to any person or class.

By the Widows' and Orphans' Pensions Amendment Act it has been enacted that no contributor who is dismissed from Government service for misconduct or who resigns on being offered by a superior authority in view of misconduct the option of resigning, or who is reduced in status, shall be allowed to continue to contribute as from the date of his dismissal or coerced resignation or reduction in status; new arrangements were also introduced.

By the Police Force Pensions Act (No. XLV), s. 13 and s. 15 of the principal law were amended in the sense that on completion of fifteen years' service an annual pension equal to $\frac{180}{450}$ of the salary or daily pay shall be granted, with an increase of $\frac{1}{450}$ for each successive month of service up to a total of twenty-five years' service. A pension granted to an Officer of the Police Force shall be equal to $\frac{2}{3}$ of the salary or daily pay.

By the Pensions (Amendment) Act (No. XLVI), new provisions were introduced regarding officers who relinquish their office in the Government service with the Government's approval, in order to take up a full-time post at the Royal University of Malta. The new provisions were rendered necessary by the grant of Autonomy to the Royal University, which was made by the Royal University of Malta (Constitution) Ordinance of 1947 (Ord. No. XXXII/47).

Government Offices.—Several new Government Offices were also created. By the Commissioner of Inland Revenue (Constitution of Office) Act (No. XXX), the collection of all duties, fines, stamp duties and entertainment duties shall vest in an Officer styled "Commissioner of Inland Revenue" and all powers heretofore vested in the Collector of Imposts and Lotto and having reference to the said objects shall vest in the said Commissioner. Similarly, by the Director of Public Lotto (Constitution of Office) Act (No. XXXI), the collection of all duties, fines and other moneys accruing through the Public Lotto Ordinance and the Government Lotteries Act (above-mentioned) shall vest in an officer styled "Director of Public Lotto." By the Attorney-General and Crown Counsel (Constitution of Office) Act, a new office, that of Deputy Attorney-General, was created.

The Treasury and Audit Act introduces detailed provisions concerning the administration of the public Treasury. Some of the provisions concern the office of Auditor. The Auditor shall be appointed by the Governor-in-Council, and he shall not be removed from office except by the Governor-in-Council on an address from the Legislative Assembly praying for such removal on the ground of proved misbehaviour or incapacity. He shall not be eligible for membership of the Executive Council or of any Council or of the Legislative Assembly, and he shall not hold any office of profit in the public or any other service other than that of Auditor.

INDEX TO REVIEW OF LEGISLATION

Abattoirs (Queensland), 92
Acoustic Laboratories (Australia), 60
Administration
(India Central Legislature), 123
Adoption (British Columbia), 40
Aerodromes (Tanganyika), 162
Agent-General in U.K. (Alberta), 34
Agriculture (Canada), 31
(Central Provinces and Berar), 138
(Gold Coast), 156
(Isle of Man), 28
(Nigeria), 156
(Scotland), 10
(U.K.), 1
debtors' relief (Bombay), 137
Agriculturists' relief (Madras), 141
Alluvion and Diluvion (Bihar), 133
Air Force. *See* Armed Forces.
Aircraft control (New Hebrides), 115
Air Service (Manitoba), 43
Airways (Australia), 60
Aliens.
(Australia), 60
(Isle of Man), 26
(Queensland), 90
(New Zealand), 108
American bases (Newfoundland), 58
Amusement tax (British Columbia), 42
Animals
diseases (Bombay), 137
(Northern Ireland), 26
(Isle of Man), 27
(Zanzibar), 164
preservation (Bombay), 138
prevention of cruelty (Western Australia), 102
tuberculosis in (U.K.), 11
wild (Sierra Leone), 160
Antibiotics (Trinidad and Tobago), 174
Apiaries (Queensland), 78
Apples and Pears (Australia), 60
marketing (New Zealand), 111
(Western Australia), 103
Apprenticeship (British Columbia), 40
Apprentices (Queensland), 89
(New Zealand), 108
Architects (Northern Rhodesia), 121
Armed Forces.
(India Central Legislature), 123
(Mauritius), 152
canteens (New Zealand), 111
(Pakistan), 129
(U.K.), 6
Army. *See* Armed Forces.
Assistance to States (Australia), 60
Associations, unlawful (British Somaliland), 161
Assurance Companies (Fiji), 115
Atomic Energy (India Central Legislature), 123
Auckland Harbour Bridge
(New Zealand), 107
Audit Act (Australia), 61
Automobile Accident Insurance (Saskatchewan), 55
Aviation, civil (New Zealand), 107

Bakasht Dispute (Bihar), 133
Bank Holidays (South Australia), 98
Banking.
(Australia), 61
(British Guiana), 166
(Pakistan), 130
(Queensland), 93
Bankruptcy,
(New South Wales), 69
(Uganda), 163
Bases, American. *See* American Bases.
Betting (Mauritius), 153
Billiard Rooms (Alberta), 38
Black Marketing (West Bengal), 146
Birds (Sierra Leone), 160
Births and Deaths Registration (Sierra Leone), 159
Blind Persons (British Columbia), 40
(New Brunswick), 48
Boarding Houses (Natal), 117
Book Agents (Saskatchewan), 56
Border Rivers (New South Wales), 71
Bowling Alleys (Alberta), 38
Broadcasting (Australia), 61
Building
Builders' registration (Western Australia), 102
Materials (Queensland), 77
(Tasmania), 98
Businesses (Malayan Union), 151
Bush Fires,
(Northern Rhodesia), 120
(Western Australia), 105, 106
Butlin Vacation Village (Bahamas), 169

Carriers (New Zealand), 110
Cemeteries (Natal), 117
Census,
(Malayan Union), 151
(Tanganyika), 162
Cess (Bihar), 133
Charitable Endowment (Bihar), 132

Chieftancy Disputes (Nigeria), 157
Child Welfare,
(Bombay), 137
(Malayan Union), 151
(Manitoba), 43
(Newfoundland), 58
(New Zealand), 110
(Saskatchewan), 57
Cinema,
(British Guiana), 166
(Trinidad and Tobago), 175
(U.K.), 20
Cities and Towns Act (Quebec), 53
Citizenship (Ceylon), 150
Civil Court (Bombay), 136
(Madras), 141
Civil Defence,
(U.K.), 6
Civil Procedure (Bombay), 137
(Zanzibar), 165
Civil Service (Canada), 32
(Manitoba), 43
Coal (Australia), 61
(New Zealand), 109
(South Australia), 94
Coal Industry, Control (Queensland), 81
Coal mines, Regulation,
(British Columbia), 41
(New South Wales), 70
open-cast (Queensland), 73
workers (New South Wales), 69
(Western Australia), 103
Coal Mining (Queensland), 80
Colonial Development Corporation,
(U.K.), 2
Commodities,
control (West Bengal), 146
essential (Bombay), 135
Common Employment (U.K.), 12
Commorientes (Alberta), 38
Communications (Pakistan), 129
Companies (Pakistan), 130
Loan (Canada), 33. *And see under* Corporations.
Consolidations (Ontario), 50
(Saskatchewan), 58
Constitutional Law (Queensland), 85
(Pakistan), 129
(Northern Rhodesia), 120
(Western Australia), 102
(St. Lucia), 173
Contributory Negligence (Northern Ireland), 23
Coorg district fund, 139
Co-operative Societies (Bihar), 133
(Bombay), 135
(British Honduras), 167
(British Guiana), 166
(Fiji), 113
(Northern Rhodesia), 120
(Zanzibar), 165
Copra (Fiji), 115
Corporations, *and see under* Companies,
Income (Prince Edward Is.), 50
Income Tax (British Columbia), 42
(Manitoba), 44
Securities (Prince Edward Is.), 51
Cotton,
ginning and pressing (Madras), 141
transport (Madras), 141
Courts (Coorg), 140
Creameries and Dairies Regulations,
(British Columbia), 40
(New Zealand), 109
Criminal Code (Cyprus), 176
(Canada), 32
(Queensland), 89
(Pakistan), 130
(Zanzibar), 165
Criminal Procedure (Bihar), 133
(Bombay), 135, 136
(British Guiana), 166
(Cyprus), 176
(Uganda), 164
(U.K.), 14
(St. Lucia), 172
Currency (Pakistan), 130
(St. Helena), 168
Customs (Australia), 62
(St. Helena), 168
(British Honduras), 167
(British Guiana), 166
(Sierra Leone), 159, 160
(Barbados), 170
Cyclone and Drought Insurance,
(Mauritius), 152

Daylight Saving (Alberta), 39
(Bermuda), 59
Debt conciliation (Coorg), 141
Debts, deceased persons, recovery of,
(Mauritius), 153
Defamation (Prince Edward Is.), 51
Defence,
(Australia), 62
(New Hebrides), 115
Delegated Legislation (U.K.), 22
Dentists (Gold Coast), 156
Deserted Wives Maintenance. *See* Maintenance.
Detectives, private (Alberta), 38
Development (India Central Legislature), 124
Diamonds (Zanzibar), 165
Diplomatic Privileges,
(Barbados), 170
(Falkland Is.), 168
(Grenada), 172
(Leeward Is.), 171
(Northern Rhodesia), 120
(Seychelles), 154
(Sierra Leone), 158
(Uganda), 164
(Zanzibar), 165
Displaced Persons,
(Bombay), 135
(India Central Legislature), 123
(Pakistan), 130
Divorce (Nyasaland), 160
Dogs (Western Australia), 105
(Cyprus), 176
Dower (Alberta), 35
(New Brunswick), 48
Drainage,
(Quebec), 52
(U.K.), 8
Drugs (British Honduras), 167
advertisements (Bihar), 132

Economic,
Research Bureau (Alberta), 36
Stabilisation (New Zealand), 109
Education,
(Bombay), 136
(British Somaliland), 161
(Central Provinces and Berar), 139
(Gold Coast), 156
(Quebec), 51
(Nigeria), 157
(Tanganyika), 162
(Tasmania), 98
(U.K.), 12
(Trinidad and Tobago), 173
Elections,
(Assam), 131
(Australia), 62
(Bahamas), 168
(Canada), 32
(Ceylon), 150
(New Zealand), 112
(Northern Ireland), 26
(Saskachewan), 54
(U.K.), 4
(Western Australia), 104
municipal (British Columbia), 40
provincial (British Coloumbia), 40
Electric Supply Corporation (Overseas). *See under* Coal Mines, open-cast.
Electrical Energy (British Columbia), 40
(Sierra Leone), 160
Electrician's Licence (Manitoba), 46
Electricity,
(Antigua), 171
(New Zealand), 109
(Northern Ireland), 24
state commission (Queensland), 76
Emergency Legislation, (Barbados), 170
(Nyasaland), 161
(St. Lucia), 172
(West Bengal), 147
(Zanzibar), 165
Employment. *See also* Common Employment.
training for (U.K.), 12
Employees Registration (Sierra Leone), 158
English Law (Seychelles), 154
Entertainment duty (Antigua), 171
(Mauritius), 153
Essential Services (Bihar), 131
Estate and Succession Duty (St. Helena), 168
Evidence (Canada), 32
(Quebec), 53
Exchange Control (Southern Rhodesia), 122
(Pakistan), 130
Excise (Australia), 63
(Nyasaland), 160
Explosive Substances,
(Cyprus), 176
Export and Import (Australia), 63
(Canada), 32
External Affairs (Australia), 63

Factories,
(Barbados), 170
(Grenada), 172
(Leeward Is.), 171
(Southern Rhodesia), 121
(U.K.), 13
(Western Australia), 102
Family Councils Abolition (Mauritius), 153
Famine relief (Assam), 131
Farm Credit Bureau (Quebec), 52
Fertilizers (New Zealand), 107
Films, censorship (Queensland), 84
Finance, (Assam), 131
(Eire), 31
(India Central Legislature), 124
(New Zealand), 109
(Northern Ireland), 23, 26
(Pakistan), 129
(U.K.), 19
Finger prints (British Somaliland), 161
Firearms, (Falkland Is.), 168
(Malayan Union), 151
(New South Wales), 72
Fire Brigade (Gambia), 155
Fire patrol (Newfoundland), 58
prevention (Freetown) (Sierra Leone), 159
service (Bihar), 133
Fish and Game (Barbados), 169
(Quebec), 52
(Sierra Leone), 160
Fisheries,
(British Honduras), 167
(Isle of Man), 27
(Mauritius), 152
(U.K.), 8
(Zanzibar), 165
Assistance (Newfoundland), 58
Flax (St. Helena), 168
Flood Relief (British Columbia), 42
Floral Emblem (Prince Edward Is.), 50
Food (Newfoundland), 58
adulteration (Bihar), 132
for Britain (Queensland), 75
stock foods (South Australia), 97
Football Pools (Northern Rhodesia), 121
Foreign Exchange (Canada), 32
Forest Conservation, Eastern Rockies (Alberta), 39
Forests (Bihar), 132
(Bombay), 137
(British Columbia), 40
(New Zealand), 111
(Saskatchewan), 55
(West Bengal), 148
Forty Hours Week (New South Wales), 70
(Queensland), 76
Fruit and Vegetables (Queensland), 77
(Tasmania), 99

Game (Uganda), 163
Gaming poll (New Zealand), 108
Gas, nationalisation of supply (U.K.), 9
Gasoline tax (Manitoba), 46
Gaspesian Title Deeds (Quebec), 53
Guardianship of infant (Western Australia), 104
Gold Duty (Gold Coast), 156
Gold Mining (Canada), 32
Government offices (Malta), 180

Hackney Carriages (West Bengal), 48
Harbours (New Zealand), 108
dues (Gambia), 155
Harijan Temple (Bombay), 138
Havana Agreement (New Zealand), 107
Hawkers (South Australia), 94

Health Service. *See also* Mental Health.
(Isle of Man), 28
(Northern Ireland), 23
(Western Australia), 102, 104
Hides and Leather (Australia), 64
(Queensland), 90
(South Australia), 94
(Tanganyika), 163
(Tasmania), 99
(Western Australia), 103
Highways (Australia), 67
(Burmuda), 59
(Manitoba), 46
(Cyprus), 176
(Isle of Man), 28
(Northern Ireland), 25
(Saskatchewan), 55
(South Australia), 97
provincialisation of (Bihar), 132
Hire Purchase (Northern Rhodesia), 121
H.M.A.S. Sydney (Australia), 64
Hobart Bridge (Tasmania), 100
Holidays (Western Australia), 103
Home Guards (Madras), 142
Hospitals (Alberta), 39
(Australia), 64
(Barbados), 169
(Bihar), 132
(British Columbia), 40
personnel (Cape Province), 116
(Manitoba), 43
(Natal), 117
(New Zealand), 112
(Ontario), 49
(South Australia), 94
(Transvaal), 120
(Western Australia), 104
Union (Saskachewan), 57
Hotels, registration in (Sierra Leone), 158
Hours of Work (Saskatchewan) 57
Housing (Australia), 64
(Bombay), 137
(Eire), 30
(New South Wales), 70
(Northern Ireland), 25
(Quebec), 52
(Tasmania), 99
urban African (Northern Rhodesia), 120

Illegitimate children,
(Bermuda), 59
Intestates (Prince Edward Is.), 50
Immigration (Australia), 64
(Ceylon), 150
(Fiji), 114
(Malta), 176
(Nyasaland), 160
(Southern Rhodesia), 121
Immoral Traffic (Bihar), 131
Income Tax,
(Barbados), 170
(Falkland Is.), 168
(Gambia), 155
(Malayan Union), 151
(Malta), 177
(Seychelles), 154
(Trinidad and Tobago), 173, 175
Indemnity (British Somaliland), 161
Indictable Offences (Trinidad and Tobago), 175
Industrial Assurance (U.K.),13
Arbitration (Australia), 64
(Western Australia), 104
Code (South Australia), 94
Relations and Disputes (Canada), 32
Industries,
(India Central Legislature), 124
(Tasmania), 99
(West Bengal), 148
development (Northern Ireland), 26
(Tanganyika), 162
licences (Uganda), 164
protected (Fiji), 114
Industrial Injuries (U.K.), 13
Industrial Rehabilitation (Malayan Union), 151
Industrial Relations (Bombay), 136, 137
(Pakistan), 129
Industrial Standards (New Brunswick), 48
Infantile Paralysis (New Hebrides), 115
Inns and Restaurants (Prince Edward Is.), 50
Inquests (Nyasaland), 161
Insurance (Manitoba), 45
(New Brunswick), 48
(Pakistan), 130
(Saskatchewan), 56
government, life, department (New Zealand), 107
Interest, rate of (Bahamas), 169
Interpretation of Statutes (Australia), 6
(U.K.), 1
Intoxicating Liquor (Prince Edward Is.), 5
Inventions, control of (U.K.), 10
Investment, trustee (Tanganyika), 162
Irrigation (Bombay), 137
(Madras), 142
labour (Orissa), 145

Judiciary,
(U.K.), 21
Jury (New South Wales), 71
(Trinidad and Tobago), 174
Justices (Queensland), 93
(New Zealand), 108
(Western Australia), 103
Juvenile Courts (Malayan Union), 151
(Leeward Is.), 171
Juvenile Offenders (Prince Edward Is.), 5

Labour Relations,
(Fiji), 114
(Manitoba), 45
(Ontario), 49
(Sierra Leone), 159
Labour Supply (Tanganyika), 163
Labrador Railway (Newfoundland), 58
Land (Central Provinces and Berar), 13
(New Zealand), 111
(Western Australia), 104
acquisition (Bombay), 135
(Madras), 142
(Nyasaland), 161
(Orissa), 145
(Zanzibar), 165
Clearing and Breaking Project (Alberta) 36
development (West Bengal), 148
improvement (Bombay), 137

and—*continued.*
pastoral (South Australia), 95
revenue (Bombay), 135
(Central Provinces and Berar), 139
(West Bengal), 148
requisitions of (Assam), 131
(Bombay), 135
registers (Malayan Union), 151
sales control (Tasmania), 100
(Western Australia), 102
(U.K.), 8
Settlement (South Australia), 94
(Tasmania), 100
tax (Western Australia), 103
tenure (Madras), 142
(Orissa), 144
Titles Act (Alberta), 35
(Assam), 131
Landlord and Tenant (Queensland), 86
(Tasmania), 100
Lands agricultural (Bihar), 131
(Bombay), 137
Lands and Forests, Department of (Alberta), 34
and Mines, Department of (Alberta), 39
crown (British Guiana), 167
protectorate (Gambia), 155
ribbon development (Bihar), 133
Legal Assistance (Malayan Union), 151
(New South Wales), 71
(Southern Rhodesia), 121
Legal Profession,
(British Columbia), 41
(Malayan Union), 151
(Northern Ireland), 26
(South Australia), 94
(Western Australia), 103
Legislative Council (Falkland Is.), 168
(British Guiana), 167
(Quebec), 52
(Mauritius), 152
Legislature (United Provinces), 145, 146
Libraries (Madras), 142
Assembly (United Provinces), 146
Licensing (Gambia), 155
(British Guiana), 167
(Prince Edward Is.), 50
(Western Australia), 102
(Falkland Is.), 167
liquor (Bermuda), 59
(Madras) prohibition, 142
(New Zealand), 112
(South Australia), 94
Limitations of Actions (South Australia), 94
Local Government,
(Assam), 131
(Bihar), 132
(Eire), 30
(Fiji), 114
(Gold Coast), 156
(Natal), 118
(Nigeria), 157
(Orissa), 144
(Queensland), 84
(Seychelles), 154
(South Australia), 95
(Transvaal), 119
(U.K.), 18
accommodation, 139
Loans, government (Tanganyika), 162
Lotteries (Bombay), 136
(Falkland Is.), 168
Government (Malta), 179

Magistrates (British Columbia), 41
(Leeward Is.), 171
(Mauritius), 152
Maintenance, deserted wives, (British Columbia), 40
orders (British Columbia), 41
(Ontario), 49
Maize (Northern Rhodesia), 120
Malayan Union Supreme Court, 151
Marine Boards (Tasmania), 100
Marketing Board (British Honduras), 167
(Trinidad and Tobago), 173
Marriage. *See also* Royal Marriage.
(Manitoba), 43
(Seychelles), 154
(Western Australia), 102
and divorce (Queensland), 90
bigamous (Bombay), 136
minors (Queensland), 83
Married Women's Protection (Bermuda), 59
Matrimonial Causes and personal status,
(Barbados), 170
(India Central Legislature), 123
(Western Australia), 105
(Leeward Is.), 171
Medical Auxiliaries (Manitoba), 45
Medical Profession (British Columbia), 41
(Leeward Is.), 171
(Central Provinces and Berar), 138
(Gold Coast), 156
(West Bengal), 148
treatment, advertisement (West Bengal), 146
services (Barbados), 169
Medicine, Indian Systems of (Bombay), 138
Mental Health,
(Northern Ireland), 24
(Nyasaland), 161
(Saskatchewan), 56
Mental Hospitals and Institutions,
(Australia), 65
(British Columbia), 41
(South Australia), 95
Metalliferous mines (British Columbia), 41
Mica (Bihar), 132
Migrant Workers (Northern Rhodesia), 120
Milk (Prince Edward Is.), 50
(Western Australia), 103
Minerals (British Columbia), 41
(Pakistan), 130
Advisory Board (New Zealand), 106
radio-active (Sierra Leone), 159
(Nyasaland) 160
(Falkland Is.), 168
(Antigua), 171
(St. Christopher and Nevis), 172
Mines, Department of (Alberta), 34
See also Coal mines, Metalliferous mines.
Mineworkers' pensions (Queensland), 78
Mining Acts (Queensland), 79
Mining Tax (British Columbia), 42
(Manitoba), 45
Ministers' Salaries (Assam), 131
(Southern Rhodesia), 122
(West Bengal), 148

Molasses (Bihar), 132, 133
Money lending (Bombay), 136
Monopolies, control of (U.K.), 10
Montreal Tramways,
(Saskatchewan), 54
Motor-Cars and Vehicles, (Assam), 131
(Bermuda), 59
(British Columbia), 41
(Fiji), 114
(Gambia), 155
(Madras), 144
(Trinidad and Tobago), 173
Mounted Police, Royal Canadian (Canada), 33
Mukim Registers (Malayan Union), 151
Mumps (New Hebrides), 115
Municipalities (Bihar), 132
Municipal Aid Tax (British Columbia), 42
Municipal Code (Saskatchewan), 54
Municipal Corporation (New Zealand), 112
(Cyprus), 176

National Assistance. *See* Public Welfare.
National Health. *See* Public Health.
National Insurance (Isle of Man), 29
Nationality,
(Australia), 65
(New Zealand), 107
(U.K.), 2
Native Courts (Nigeria), 158
(Nyasaland), 160
Native development fund (Southern Rhodesia), 122
Native status, determination (Southern Rhodesia), 121
Native Territories (Cape Province), 117
Natives (New Hebrides), 115
Natural Resources (Canada), 33
(Manitoba), 47
(Tanganyika), 162
Navigation (Gambia), 155
(Western Australia), 105
Negligence (Ontario), 49
North West Territories Power Commission (Canada), 33
Notarial Records (Quebec), 53
Nurses, registered (British Columbia), 41
(Fiji), 114
(Western Australia), 103

Oilseeds (Gambia), 155
Overseas Food Corporation (U.K.), 2

Pakistan, introduction to review, 127
Palestine, government of (U.K.), 2
Parishes and Fabriques (Quebec), 53
Parks, National (Canada), 33
(Natal), 117
(Tanganyika), 162
Parliament, members' allowances and salaries (Bihar), 133
(New South Wales), 72
(South Australia), 95
(Tasmania), 101
pensions (Australia), 65
(Queensland), 86
(South Australia), 95
(U.K.), 3
(Western Australia), 104
procedure, (U.K.), 3
Passports (Australia), 66
Patents and Designs (Pakistan), 130
Patna University (Bihar), 133
Peace Treaties (Canada), 33
Pelagic Sealing (Canada), 33
Penicillin (Mauritius), 152
(Bahamas), 169
Pensions (Australia), 65
(Barbados), 169
(Bombay), 137
(Cape Province), 117
(New Hebrides), 115
(Malta), 179
(New Zealand), 113
(Quebec), 52
(South Australia), 97
(U.K.), 20
(Zanzibar), 165
coal-mine workers (Western Australia), 103
judges (U.K.), 20
ministers (Southern Rhodesia), 122
old age (Alberta), 40
parliamentary, *see under* Parliament.
police (U.K.), 20
public service (Southern Rhodesia), 122
retirement (Alberta), 37
war service (Bermuda), 59
widows and orphans (Mauritius), 152
Petrol (U.K.), 20
Pharmacy and poisons (Western Australia), 104
Phylloxera (South Australia), 96
Physiotherapists (South Australia), 96
Picketing, prohibition of (Queensland), 76
Port Louis (Mauritius), 153
Port Services (Trinidad and Tobago), 175
Police.
(Barbados), 170
(Bombay), 135, 137
(British Columbia), 41
(Madras), 142
(Sierra Leone), 159
(Seychelles), 154
(Uganda), 164
(West Bengal), 148
auxiliary (Tanganyika), 162
Political Associations (Malayan Union), 151
Poona University (Bombay), 135
Port Dues (New Hebrides), 116
Postal Tariff (New Hebrides), 116
Post Office (Malayan Union), 151
(Nyasaland), 161
Potatoes (Prince Edward Is.), 51
(South Australia), 96
Poultry Industry (Western Australia), 103
Pounds (Natal), 117
Power Alcohol. *See under* Molasses.
Press Censorship (Uganda), 164
Price Control (Queensland), 88
(South Australia), 96
(Tasmania), 101
(Western Australia), 102
Primary Produce (Australia), 66
Prisons (British Columbia), 41
Prisoners, identification of (Bombay), 13
Prize (U.K.), 7
Probate Courts (New Brunswick), 48
Professions (India Central Legislature), 12
Professional Acts (Saskatchewan), 57

ofessional Syndicates (Quebec), 52
operty, prohibition of transfer (Madras), 143
revaluation of (Saskatchewan), 55
ychological Medicine, Clinics of (British Columbia), 40
blic Accommodations (New Brunswick), 48
blic Authorities, protection (Trinidad and Tobago), 175
blic conveyances (Bombay), 135
blic Curatorship (Quebec), 53
blic Health (Australia), 65
(Nyasaland), 161
(Orissa), 145
(Saskatchewan), 57
blic Holidays (Bermuda), 59
blic Libraries (Alberta), 37
(British Columbia), 41
(Manitoba), 46
blic Meetings (St. Christopher and Nevis), 172
blic Order (Bihar), 133
(St. Lucia), 172
security (Bombay), 135
(British Somaliland), 161
(Central Provinces and Berar), 139
(Madras), 141, 143
(Orissa), 145
(Zanzibar), 165
blic Records,
(U.K.), 22
blic Schools (Manitoba), 44
blic Service (Australia), 66
(Seychelles), 154
(Queensland), 90
(South Australia), 96
tribunal (New Zealand), 113
blic Utilities (British Columbia), 41
(Prince Edward Is.), 51
blic Welfare, (Eire), 30
(U.K.), 17
blic Works (Manitoba), 43
(New Zealand), 110
(Trinidad and Tobago), 173
rchase Tax (Isle of Man), 29

arantine (Barbados), 170
(Seychelles), 154

dio-active Substances (U.K.), 21
ilways, government (New Zealand), 106
al Estate, Agents' Licences (British Columbia), 41
al Property (Manitoba), 46
al Rights (Saskatchewan), 54
ferendum (Newfoundland), 58
fugees. *See under* Displaced Persons.
nt Restrictions (Bombay), 136
(British Guiana), 167
(Ceylon), 150
(Isle of Man), 29
(Mauritius), 153
(Newfoundland), 59
(New Zealand), 110
(Western Australia), 102
patriation (Australia), 67
search (Ontario), 49
sources, conservation of (Alberta), 39
venue (St. Lucia), 173
River Murray (Australia), 67
(South Australia), 96
Roads. *See* Highways.
Rockies. *See* Forest Conservation.
Roofing Tiles (Queensland), 91
Royal Marines. *See* Armed Forces.
Royal Marriage (U.K.), 2

Salt Codfish (Newfoundland), 59
Saskatchewan, Administration and Development of Northern Part of (Saskatchewan), 55
Savings Bank (South Australia), 97
trustee (New Zealand), 112
School Attendance (Alberta), 39
boards (West Bengal), 149
Securities. *See under* Corporation.
Seed Control Areas (Alberta), 38
Sericulture (Madras), 143
Sessional Allowances (British Columbia), 43
Sewerage (New Zealand), 106
Sheriff (West Bengal), 149
Shipbuilding (Newfoundland), 58
Shipping (Canada), 33
(Tasmania), 101
(U.K.), 7
Shops (Assam), 131
(Bombay), 138
Silkworm Diseases (Madras), 143
Ski-Tows (Ontario), 50
Slum clearance (Antigua), 171
(St. Christopher and Nevis), 171
Social, disabilities removal (West Bengal), 147
Social legislation (Orissa), 144
Social Security (British Columbia), 42
(New Zealand), 110
Social Services (Australia), 67
(Isle of Man), 27
Societies (Malayan Union), 151
Soil Conservation (New South Wales), 72
Stamp duty (Falkland Is.), 167
Statistics, vital (Manitoba), 44
(Ontario), 50
Statute Law Revision (Bahamas), 168
(Bermuda), 59
(British Columbia), 41, 43
(Canada), 34
(New Zealand), 113
(U.K.), 1
(West Bengal), 149
Statutes, Interpretation of. *See* Interpretation.
Statutory Instruments (U.K.), 3
Street collections (Cyprus), 176
Summary jurisdiction (British Guiana), 167
(Trinidad and Tobago), 175
Successions (Malta), 178
(Quebec), 54
Sugar (Bombay), 138
(Barbados), 169
(Fiji), 114
(Mauritius), 152
(Trinidad and Tobago), 174
Supplies, essential (India Central Legislature), 124
Supreme Court (U.K.), 14
Surrogote Courts (Saskatchewan), 56

Tanks and Embankments (West Bengal), 149
Tasmanian Orchestra (Tasmania), 101

Taxation,
(Australia), 67
(Bihar), 132
(British Columbia), 42
(Central Provinces), 138
(Ceylon), 150
(India Central Legislature), 125
(Madras), 143
(New Brunswick), 48
(Orissa), 145
(Prince Edward Is.), 50
(Tasmania), 101
(West Bengal), 149
Teachers' Retirement Allowances (Manitoba), 46
Telegraphic Addresses (Cape Province), 116
Telephones (Manitoba), 44
Tenancy (Bihar), 131
(Bombay), 137
(New Zealand), 113
Textile Products (Queensland), 83
Timber. *See under* Building Operations.
Tileworks, State (New South Wales), 72
Titles to Land (Queensland), 83
Tokelau Is. (New Zealand), 108
Tourist Traffic (Northern Ireland), 24
Tobacco, taxation (Madras), 144
Turkish. *See under* Turkish.
Town Planning (Antigua), 171
(Bombay), 136
(British Columbia), 42
(Nyasaland), 161
(Transvaal), 119
(Uganda), 163
Trade agreements (Southern Rhodesia), 122
Trade coupons and stamps (Queensland), 83
(Western Australia), 104
Trade Marks (Australia), 68
(Pakistan), 130
Trade Unions (Ceylon), 150
(Prince Edward Is.), 51
(St. Lucia), 173
Trades Certificates (New Zealand), 108
Disputes (Quebec), 52
(Malta), 179
Traffic, *and see under* Highways.
(Gambia), 155
(Queensland), 90
(South Australia), 97
(Falkland Is.), 168
(Sierra Leone), 159
(Zanzibar), 166
Transport,
(India Central Legislature), 125
(New South Wales), 72
(New Zealand), 110
(Northern Ireland), 24
goods (India Central Legislature), 124
State, co-ordination (Western Australia), 104
State, facilities (Queensland), 84
and see Montreal Tramways.
Tree planting (Cyprus), 175
Tristan da Cunha (St. Helena), 168
Trocas shell (New Hebrides), 115
Trustees (Isle of Man), 29
Tsetse fly (Uganda), 164
Tuberculosis (Australia), 68
(Manitoba), 44
Turkish tobacco (Southern Rhodesia), 12

Unemployment Insurance (Canada), 34
Uniforms (Malayan Union), 151
Uniformity of Time (Prince Edward Is.) 51
United Kingdom Grant (Australia), 68
United Provinces, governor of, 145
legislature of, 145, 146

Vacations with pay (Manitoba), 44
Vaccination (Barbados), 169
Vestries (Barbados), 170
Veterans (Canada), 34
Veterinary Surgeons (U.K.), 11
Vital Statistics (Seychelles), 154
Vocational Training (Canada), 34
Volunteer force, *and see under* Hom Guards,
(Barbados), 170
(British Guiana), 166

Wages (British Columbia), 42
(Malayan Union), 151
(Sierra Leone), 159
(U.K.), 13
Waqfs (Bihar), 132
(Mauritius), 153
War Damage (Malta), 178
War Regulations (New Zealand), 113
Warehouse Receipts (New Brunswick), 48
Water Pollution (U.K.), 8
Water Supply (Cyprus), 176
(Tanganyika), 162
(U.K.), 8
Weights and Measures (Australia), 68
(Bombay), 136
(Madras), 144
Welfare, child. *See under* Child Welfar
workers (India Central Legislature), 12
Well digging (Prince Edward Is.), 51
Whaling (Australia), 69
Wheat (Australia), 69
(Queensland), 89
(South Australia), 97
(Tasmania), 101
(Western Australia), 105
Wife's Protection (British Columbia), 42
Wild Birds' Sanctuaries (Cape Province 116
Women and Girls (Malayan Union), 151
Wool (Australia), 69
Workers' Welfare. *See under* Welfare.
Workmen's Compensation (Alberta), 34
(Malayan Union), 151
(Manitoba), 46
(Newfoundland), 58
(New South Wales), 72
(Southern Rhodesia), 122
(Tanganyika), 162
(Tasmania), 101
(Western Australia), 105
Protection (Bihar), 133

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